



MidCoast Rural Strategy

Tourism Background Report

Version 5 / Date: April 2021



Version	Purpose of Document	Reviewed by	Date
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1 Introduction

This Background Report ('this Report') has been prepared by City Plan Strategy and Development, in partnership with Aurora Research and Development and MJD Environmental ('the consultant team') as part of the MidCoast Rural Strategy Project ('the Project') to assist with the formulation of the MidCoast Rural Strategy ('the Rural Strategy') on behalf of MidCoast Council ('Council').

This Report presents the findings of the consultant team's review of land use and development planning considerations relating to tourism occurring outside towns and villages within the MidCoast Local Government Area ('LGA').

This Report should be considered in conjunction with other Background Reports prepared as part of the Project. At the time of writing, these include Reports focusing on the following topics as relevant to rural areas:

1. Housing and accommodation
2. Agriculture and rural-based industries
3. Land based conservation
4. Marine activities
5. Mining & Energy
- 6. Tourism (this Report)**
7. Transport
8. Rural Waterways

The conclusions and recommended planning framework described in all Background Reports are presented for consideration and, once finalised, will form part of the Rural Strategy information presented for public exhibition.

2 Context

This section provides a context for long-term planning associated with rural tourist land use and development assessment decision-making to support the MidCoast's visitor economy.

The contribution of tourism development to the MidCoast economy is well-recognised at State, Regional and Local levels. Several plans and strategies recently endorsed by the State Government, direct Council to better facilitate the growth of this industry. This will rely on changes to planning controls to allow for new tourism-related development in rural areas in a manner that is compatible with other planning considerations, including environmental constraints and agricultural productivity.

Land zones applied through Council's Local Environmental Plan (LEP) have the greatest influence over where residential and visitor accommodation is permissible outside urban areas.

Most State-level guidelines for Council to establish LEP controls to support tourism are approaching 10 years old and have not yet been identified as a priority for review¹. The LEP controls relating to visitor accommodation are increasingly recognised as unfit for purpose.

This is reflected by the Department of Planning, Industry and Environment's recent exhibition of an [Explanation of Intended Effect for Proposed Amendments to Agriculture](#), which focussed on growing agri-business and agri-tourism industries². This report will consider options for Council to establish an assessment framework that more effectively supports sustainable growth in the tourism industry and consider the implications and opportunities of the anticipated changes to State planning instruments.

It is noted that there are considerable opportunities across the related issues of environmental, agricultural, accommodation, transport and waterways that may be considered when discussing tourism within the MidCoast. The discussions and recommendations of this report therefore, must be taken into consideration with the opportunities, challenges and recommendations of the other relevant Background Reports prepared to inform the Rural Strategy.

¹ <https://www.planning.nsw.gov.au/Plans-for-your-area/Local-Planning-and-Zoning>

² [Planning Amendments for Agriculture | Planning Portal - Department of Planning and Environment \(nsw.gov.au\)](#)

3 Evidence base

The review underpinning this Report considered publicly-available information contained in a range of State, Regional and Local strategies, plans and guidelines as relevant to tourism. It also considered additional government and industry-related data and mapping, where available.

A full list of references is appended to this report.

Views from selected stakeholders and the general community have been provided through the following initiatives undertaken as part of the Rural Strategy Project:

- Telephone interviews conducted by the consultant team between May 2018 and January 2019. In total, 60 interviews were conducted with several participants representing larger groups or peak organisations. Individuals with an interest in tourism (e.g. business owners and operators) were a targeted cohort of these interviews, representing 39 (65%) of the 60 interviewees.
- A Public Workshop focusing on Tourism ('Tourism Workshop') in the MidCoast, facilitated by the consultant team on 14 June 2018 in Gloucester. This was attended by over 30 people, with a focused discussion on how the planning framework regulates tourism in rural areas, and issues currently considered most relevant to the MidCoast.
- A public survey ('Rural Strategy survey'), conducted by Council with inputs from the consultant team. This was made available online and in hard copy and was open to the public between September and November 2018. In total, 63 surveys were returned.

Where relevant, views raised by participants have been incorporated into this Report for discussion.

4 Strategic planning considerations

This section sets out the basis for local strategic planning in relation to rural tourism within the MidCoast. It addresses the policy directions for plan-making in NSW, including the following Ministerial Directions relevant to tourism and related activities in rural areas, issued under section 9.1 of the [Environmental Planning and Assessment Act 1979](#):

- **Direction 1.2 Rural Zones** instructs planning authorities not to re-zone land from a rural zone to a tourist zone unless the rezoning is consistent with the Hunter Regional Plan, a Council strategy, or is otherwise of minor significance.
- **Direction 1.5 Rural Lands** is relevant to the application or modification of controls for land within an existing or proposed rural or environment protection zone. It requires proposals to address the Rural Planning Principles and Rural Subdivision Principles, provided in the [State Environmental Planning Policy \(Primary Production and Rural Development\) 2019](#).
- **Direction 2.1 Environment Protection Zones** which requires that environmental protection standards are upheld when amending planning controls relating to environmentally sensitive areas.
- **Direction 2.2 Coastal Management** which relates to the Coastal Management Act 2016 and State Environmental Planning Policy (Coastal Management) 2018 ('Coastal SEPP').
- **Direction 2.3 Heritage Conservation** requires items, areas, objects and places of environmental heritage significance and indigenous heritage significance to be identified and protected through suitable provisions.
- **Direction 2.4. Recreation Vehicle Areas** aims to discourage recreational vehicle areas in environmentally sensitive areas.
- **Direction 3.2 Caravan Parks and Manufactured Home Estates** provides instructions for planning authorities to consider when identifying suitable zones, locations and provisions for caravan parks, noting considerations set out in [State Environmental Planning Policy No.21 \(Caravan Parks\)](#) and [State Environmental Planning Policy No.36 \(Manufactured Home Estates\)](#)
- **Direction 5.10 Implementation of Regional Plans.** Within the MidCoast, this direction gives legal effect to the Hunter Regional Plan, requiring any amendments to planning controls to be consistent with its vision, land use strategy, goals, directions and actions.

Other Ministerial Directions may also be relevant, based on locational or environmental factors, such as (but not limited to): **Direction 4.3 Flood Prone Land** and **Direction 4.4. Planning for Bushfire Protection**; which require authorities to maintain planning controls in a manner that avoids placing inappropriate developments and therefore members of the community, in hazardous areas.

Discussion predominantly focuses on Government-endorsed policy directions described in long-term strategies and plan at national, state, regional and local-levels. Where relevant, reference is also made to other technical studies or reports.

4.1 National Level Considerations

4.1.1 Tourism 2030 Strategy

Tourism Australia is the Australian Government agency responsible for attracting international visitors. Their long-term plan is set out in *Tourism 2020* (released in 2011), which describes a whole-of-government and industry approach to build the resilience and competitiveness of the tourism industry nationally.

It is acknowledged that this national strategy had an implementation timeline of 2015-2020. The Australian Government has already committed to a [Tourism 2030 Strategy](#), with the timeline for development and additional information available online.



It is expected that the economic impacts of Covid 19 and closure of international travel during the pandemic will greatly influence the new plan. The information available on the Australian Government website has been updated as follows:

In 2019-20, Austrade, in conjunction with Tourism Australia, was developing Australia's next national long-term tourism strategy. It was being developed in cooperation with state and territory governments and the tourism industry. While Government did not formally announce a name for the new strategy, for ease of reference development work was carried out under the heading of Tourism 2030.

This work was placed on hold while industry and government focused on recovery from the impacts of COVID-19. The work of Tourism 2030 will now be incorporated into [Reimagining the Visitor Economy](#).³

However, consideration of the six key strategies implemented through the plan remains relevant to determine how the new 2030 strategy may assist Council in planning for, managing and leveraging our locational advantages, with a renewed focus on interstate and inter-regional travel, for rural and nature-based tourism in the MidCoast:

1. Grow demand from Asia

While marketing investment across a balanced portfolio of markets is required, Australia has a unique opportunity to drive demand from Asia. Over the 2010-20 period, Asia is expected to contribute more than half of the projected growth in international visitation with 42 per cent of that growth expected to come from China. Most countries in Asia have growing economies with good consumer confidence, burgeoning growth in the middle class (especially China, India and Indonesia), and Australia is a near "western developed", English speaking country, with strong destination appeal. Industry and governments need

³ [About Tourism 2030 - Austrade](#)

to deepen consumer understanding, strengthen distribution, develop tailored marketing campaigns, and appropriate product, as well as relevant policy frameworks.

It is noted that while the pandemic has severely impacted on all international travel, there are also some trade tensions with China that have also impacted upon agricultural producers and exports.

While most of these actions fall outside the influence of land use planning and development assessment frameworks e.g. marketing plans, cultural awareness and education for operators; there is an opportunity and need for the tourism industry to focus on diversification of product and experiences, and respond to the increased demand from domestic travellers currently and in the coming years.

The initiatives within the Proposed Amendments to Agriculture have in part, been prepared in response to these sudden shifts in market, and may create opportunities for diversification in both agriculture and agri-tourism activities, but in the MidCoast, the challenge will be to balance growth with environmental management and establishment of supporting infrastructure to increase sustainability within all rural communities.

2. Build competitive digital capability

Strong digital capability is essential in both marketing Australia and in the distribution of product. Eighty percent of Australians are online and by 2020, 66% of the world is expected to be online. Developing strong and efficient digital marketing and transactional capabilities is essential to remain competitive. Currently only a third of Australia's tourism operators have online booking and payment facilities, limiting their ability to service customers both domestically and overseas. Governments will continue to work with industry to ensure more tourism enterprises are able to take advantage of online opportunities.

Most of these actions also fall outside the influence of land use planning and development assessment e.g. digital tools and education for operators. However, during the development of this report, the reliance on a high-level of digital connectivity has been in a period of transition and growth, from limitations to the digital network and market identity, to a growing level of connectivity, innovation and visitation as a result of increased promotion and transaction through online platforms⁴.

3. Encourage investment and implement the regulatory reform agenda

Tourism investment in Australia is lagging. From 2000-01 to 2009-10 investment in tourism grew at only half the pace of investment in the rest of the Australian economy. Tourism currently faces a disproportionate regulatory burden that impacts negatively on investment. Governments will work with industry to reduce the barriers to investment so that industry can invest in the products and infrastructure consumers are seeking.

Key actions that may have implications for long-term land use planning and development assessment frameworks include:

- A commitment to work with government to identify and promote tourism investment opportunities. In the MidCoast this includes consideration of land use permissibility in rural areas, which is a primary matter for consideration within this report.

⁴ [Tourism stats up for Barrington Coast in 2019 | Barrington Coast Business Hub](#)

- Development of implementation plans to address key regulatory reform priorities. This has the potential to lead to statutory changes in NSW.
- Greater uptake of the *Australian Regional Tourism Network's Guide to Best Practice Destination Management* tool. These have been prepared at State and Local (MidCoast) levels, as described later in this Report.

4. Ensure tourism transport environment supports growth

Tourism transport capacity and infrastructure needs to allow increasing numbers of visitors to travel to, from and within Australia. Governments will work in partnership with industry to ensure the supply of transport capacity and infrastructure continues to move ahead of demand and facilitates, rather than hinders, tourism traffic.

While these actions relate predominantly to airline travel and cruise ship services, within the National plan, for which the Australian Government has greater oversight, MidCoast Council continues to leverage opportunities through regional infrastructure improvements, included in documents such as the **Regional Airports Strategy**.

Within the Transport Background Report, considerable attention is given to recognising these opportunities, across the spectrum of transport infrastructure services and facilities including but not limited to the Pacific Highway, State and regional transport routes, local road infrastructure to increase connectedness between our towns and villages, and opportunities for alternative and active 'transport' through cycleways, horse-riding and walking tours.

5. Increase supply of labour, skills and Indigenous participation

The tourism industry has a labour shortage of 36,000 and an employee vacancy rate over four times the national average that is preventing parts of the industry from effectively servicing global customers. By 2015, an additional 56,000 people will be needed to fill vacancies (including 26,000 skilled positions). Government will work with industry to support industry recruitment, retention, labour mobility, education and training to fill these gaps, and explore ways to increase the supply of skilled tourism labour and Indigenous participation.

While most of the actions described fall outside the influence of land use planning and development assessment, this Strategy did lead to the development of **Tourism Employment Plans** for eight locations across Australia. Although one was not prepared for the MidCoast, the Plans may provide a useful model and platform for innovation in local education, training and employment opportunities⁵.

6. Build industry resilience, productivity and quality

Industry productivity is low compared to the rest of the Australian economy and to tourism firms in competitor countries. This is limiting Australian tourism operators' ability to provide consumers with value for money experiences. Building on Australia's competitive advantages, governments will work with industry to increase industry productivity, innovation and quality.⁶

⁵ Australian Government Trade & Investment Commission 2019

⁶ <https://www.austrade.gov.au/Australian/Tourism/Policy-and-Strategy/tourism-2020>

This initiative is also not directly relevant to land use planning and development assessment frameworks; however, it does support the delivery of high-quality experiences and products in Australia's 'National Landscapes' (none identified in the MidCoast)⁷.

The opportunities and challenges for the MidCoast, are to implement the recommendations of the Destination Tourism Plan that increase the diversity of experiences across the MidCoast throughout the year, increase the length of stays and number of return visitors from interstate and inter-regional markets⁸.

4.2 State Level Considerations

The Australian Regional Tourism Network's [Guide to Best Practice Destination Management](#) describes how Destination Management Plans (DMP) should be prepared. This in turn, informs the various State and Regional-level policy considerations endorsed by the NSW Government. These policies provide a framework through objectives and goals which inform and complement those in the Hunter Regional Plan. The following documents are relevant to long-term planning for tourism in the MidCoast and have been reviewed by the consultant team:

- [NSW 2021: A Plan to make NSW Number One](#) was released by the NSW Department of Premier and Cabinet in 2011. It sets the State-wide directions for rebuilding the economy to provide NSW with a competitive edge, and attract investment locally, nationally and globally. Tourism is identified as a key industry, with a target to double visitor expenditure by 2020⁹.
- The [Visitor Economy Industry Action Plan 2030](#) ('VEIP') was released by the NSW Department of Industry in 2012 and updated in 2018. It sets out actions the State Government will take to achieve This document provides guidance and direction for Government to work with industry to achieve targets to double visitor expenditure by 2020 (as set out in NSW 2021) and triple this expenditure by 2030¹⁰.
- The [Tourism and Transport Plan](#) was released by Transport for NSW in 2018. It forms part of the Future Transport 2056 suite of documents and is aligned to the Regional NSW Services and Infrastructure Plan. It sets out actions to be undertaken by the State Government's transport-related agencies to deliver on the targets set out in the Visitor Economy Industry Action Plan¹¹.
- The [NSW State-wide Destination Management Plan](#) ('State-wide DMP') was released in February 2019¹². The State-wide DMP is considered in conjunction with the MidCoast DMP later in this Report.
- [Strategic Directions for Horse Riding in NSW National Parks](#) (2012) aims to increase the accessibility of National Parks to horse riders in appropriate locations¹³. The MidCoast LGA forms the majority of the Lower North Coast 'priority region' and is a focus for new horse riding opportunities. These opportunities are generally expected to be identified and facilitated through reviews and updates to Plans of Management.

It is noted however, that there are challenges associated with recommending actions from these documents, given the long-term destination planning for tourism is at odds with long-term land use planning, at a fundamental regional basis.

⁷ Australian Government Department of Environment and Energy n.d

⁸ [Tourism Destination Management Plan - MidCoast Council \(nsw.gov.au\)](#)

⁹ NSW Department of Premier and Cabinet 2011

¹⁰ NSW Department of Industry 2018

¹¹ Transport for NSW 2018

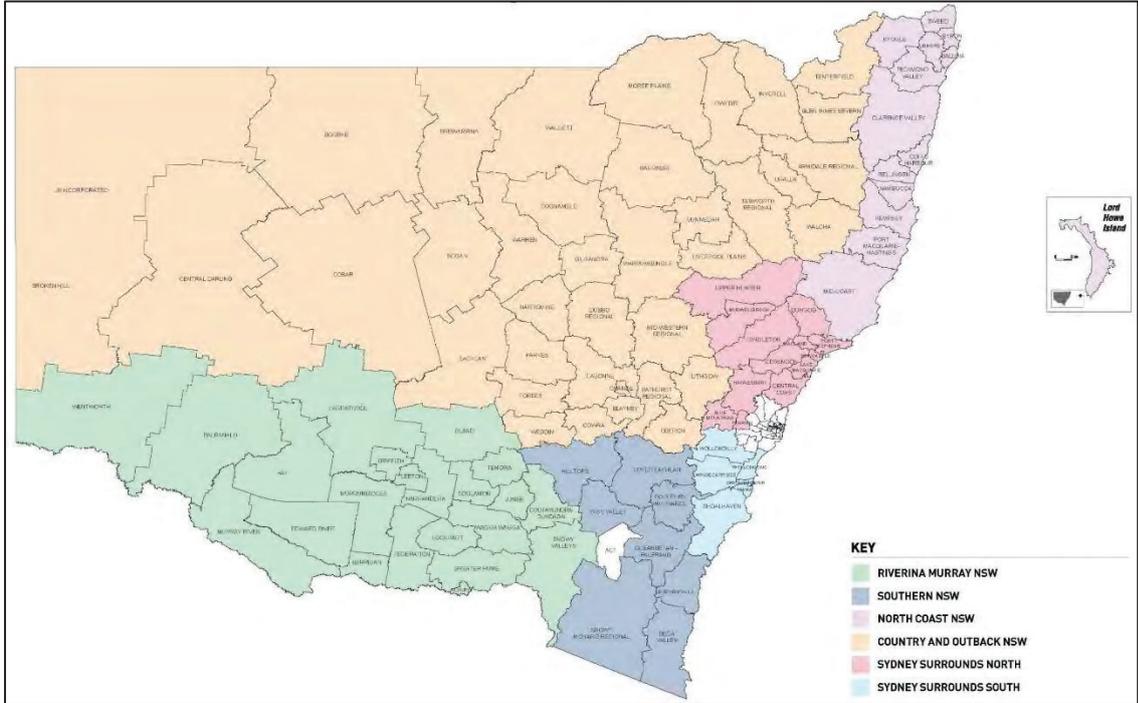
¹² Destination NSW 2019

¹³ OEH 2014

In this regard, NSW is currently divided into six Regional Destination Networks, plus Sydney, for the purpose of long-term destination planning. The MidCoast forms part of the ‘North Coast NSW’ destination network as illustrated in Figure 1.

This is at odds with its designation as part of the Hunter Region for other strategic planning work undertaken by the State Government. The remainder of the Hunter Region forms part of the ‘Sydney Surrounds North’ destination network.

Figure 1. NSW Regional Destination Networks Boundary Map¹⁴



4.2.1 NSW Statewide Destination Management Plan

Key insights from the [NSW Statewide Destination Management Plan](#) that are relevant to the Rural Strategy relate to the identification of ‘hero’ destinations and ‘experience’ categories.

A ‘hero’ destination is a location that is world class, iconic and unique, it has high brand awareness and provides visitors with attractive and unforgettable experiences. The MidCoast is identified within the North Coast hero destination and the Barrington Tops is also listed as a potential future hero destination in its own right, providing Council with an opportunity to work with Destination NSW to acknowledge the Barrington Tops as a hero destination;

The ‘experience’ categories have informed the ‘strategic themes’ ‘signature experiences’ and ‘game changer projects’ identified in the MidCoast DMP. Two-thirds of these are reliant on the delivery of new development projects outside the existing urban footprint.

Within the LGA, the tourism industry has predominantly been structured around four branded areas: Barrington Tops, Gloucester, Manning Valley and Great Lakes. A key action of the

¹⁴ <https://www.destinationnsw.com.au/tourism/business-development-resources/funding-and-grants/regional-event/terms-and-conditions-flagship-event-fund-2020#app1>

DMP, reflecting the initiatives of the Statewide plan is the development of a single 'Barrington Coast' destination brand and strategy.

4.2.2 The North Coast Destination Management Plan

The [North Coast Destination Management Plan 2018-2021](#) provides greater focus on the unique attributes and tourism opportunities provided in the coastal region extending from the Great Dividing Range to Tea Gardens-Hawks Nest in the south and Tweed Heads on the northern border of the State. It follows the hero destinations and experiences framework of the State plan, as illustrated in Table 1 below.

Table 1. North Coast DMP 'hero' destinations and experiences in the MidCoast¹⁵

Experience category	General characteristic / experience	Specific place / facility
Aquatic & Coastal	<p>Uncrowded beaches</p> <p>Activities</p> <p>Multiple water sports</p> <p>Diving at coral reefs/wrecks</p> <p>Whale & dolphin watching</p> <p>Deep sea fishing</p>	Seal Rocks - marine life and Sugarloaf Point Lighthouse, an iconic and national tourism award-winning attraction
Nature & Adventure	<p>Green hinterland close to beaches</p> <p>Sublime ocean beaches</p> <p>World-heritage listed parks</p> <p>Nature reserves</p> <p>Abundant wildlife</p> <p>Dramatic volcanic hinterland</p> <p>World Heritage-listed Gondwana rainforest</p> <p>Activities</p> <p>Walking trails, including coastal tracks / hiking</p> <p>Quad biking and 4WD on sand dunes</p> <p>Hot air ballooning</p> <p>Mountain biking</p>	<p>World Heritage-listed National Parks (Barrington Tops National Park)</p> <p>Nature Reserves (e.g. Wingham Brush Nature Reserve)</p> <p>Great Lakes</p> <p>Ellenborough Falls</p>
Journeys / Touring Routes	-	<p>'Pacific Coast Drive', including scenic route through the Great Lakes (Lakes Way)</p> <p>'Rainforest Way Routes' (multiple)</p>
Caravanning & Camping	<p>Nature-based offering</p> <p>National parks</p> <p>Wide selection of camping and caravanning parks and campsites</p>	<p>Booti National Park (Ruins Campground)</p> <p>Diamond Head (campsite)</p>

¹⁵ [The North Coast Destination Management Plan 2018 to 2021 – Destination Byron](#)

Experience category	General characteristic / experience	Specific place / facility
	Activities Touring routes (see above)	
Short Break	Activities Retreats Pampering Wellness	Easily accessible from Newcastle Airport and the Pacific Highway by road
Events & Festivals	-	-
Family	Family beach holiday Beautiful beaches Coastal towns with family friendly attractions Family friendly accommodation Abundant wildlife in natural bushland Wide open spaces – parks, beaches Activities Water sports Marine cruises to spot local marine life	-
Youth / WHM / Education	Authentic beach town experiences Stunning hinterland Budget accommodation Beach and surf culture Activities Abundant water sports Lively nightlife	-
Food & Drink	Food culture Restaurant and café scene in main town centres Fresh local seafood Activities Catch a crab Strawberry and tomato picking Farm gate experiences Regional food and produce experiences Artisan cheese making Agritourism experiences	-
Aboriginal / Arts	Galleries	-
Special Interest	Destination weddings Golf 'Barefoot' luxury	Boogie Woogie Beach House, Old Bar (best music hotel in the World 2018)
Health & Wellbeing	Inward connection with nature 'Barefoot' luxury	-

Experience category	General characteristic / experience	Specific place / facility
	Activities Spas and pampering	
Business Events	Teambuilding pre- and post-programs Good accessibility Excellent dining options / agritourism offerings Small and mid-size conference groups	-

The North Coast DMP identifies four key products offered by the MidCoast that are of regional significance:

- National Parks, State Conservation Areas and Nature Reserves including Barrington Tops, Crowdy Bay and Myall Lakes;
- 200m Ellenborough Falls – one of the longest single-drop falls in the Southern Hemisphere;
- The Great Lakes has an incredible and unique triple lakes system found nowhere else in Australia; and
- Beautiful beaches¹⁶.

Key focus areas identified in the Statewide and North Coast DMPs relevant to planning for rural areas include:

- Engaging with council to remove barriers in the planning system that limit tourism opportunities such as agri-tourism and eco-tourism;
- Growing accessible tourism, Aboriginal tourism and nature-based tourism;
- Developing a Statewide Touring Route Strategy and to improving directional and wayfinding signage; and
- Identifying each region's brand strengths, selling points, and what makes a region unique to other regions. Future marketing initiatives will reflect the branding review.

4.2.3 Visitor Economy Industry Action Plan 2030

The [Visitor Economy Industry Action Plan 2030](#) (VEIP) was released by the NSW Department of Industry in 2012 and updated in 2018. It sets out actions the State Government will take to achieve This document provides guidance and direction for Government to work with industry to achieve targets to double visitor expenditure by 2020 (as set out in NSW 2021) and triple this expenditure by 2030.¹⁷ Several actions from this plan are already being implemented, with others in the planning stages at the time of writing this report:

- The NSW Government is already investing in upgrades to the Taree Regional Airport. Action 19 of the VIEP tourism infrastructure strategy is expected to identify any further priorities for the State Government to fund upgrades to regional airports.

¹⁶ Destination North Coast NSW 2018

¹⁷ NSW Department of Industry 2018

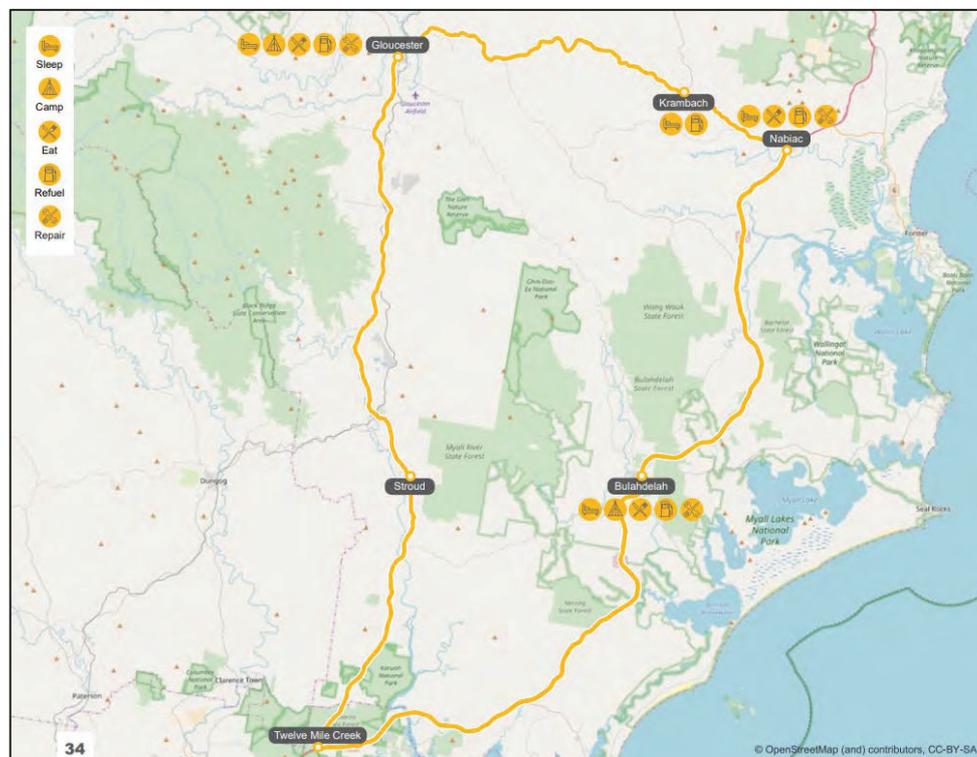
- Additional efforts and investment are also expected to be directed towards improving infrastructure to support regional walking/cycling, boating and horse-riding opportunities, as discussed in the Transport Background Report.
- There may be a review of statutory considerations relating to tourism developments, noting but not limited to the VEIP Actions: No. 20 which commits the Government to identifying planning constraints, including revising environmental impact assessment guidelines; No. 22 and 23 which call for additional investigations and policy development in relation to short-term holiday.
- Several initiatives may also be underway at the State-level that could influence future local planning and plan-making including but not limited VEIP initiatives: New State-wide strategies including a nature-based tourism strategy (VEIP Action 9), tourism infrastructure strategy (VEIP Action 19), tourist drive strategy (VEIP Action 27); and the existing Regional Conferencing Strategy is due to be renewed (VEIP Action 12).

4.2.4 Motorcycling in the Hunter

[Motorcycling the Hunter](#) (2018), the guide is a collaborative initiative between Hunter Council's - Cessnock, Dungog, Maitland, MidCoast and Port Stephens - to showcase motorcycling routes with the aim of boosting tourism. It includes not only touring routes, but services and safety considerations for motorcyclists in these areas¹⁸.

The guide features three popular rides in the MidCoast LGA illustrated in the figures below:

Figure 2. The Bucketts Way Loop



¹⁸ MidCoast Council et al. 2018

Figure 3. The Lakes Way Loop

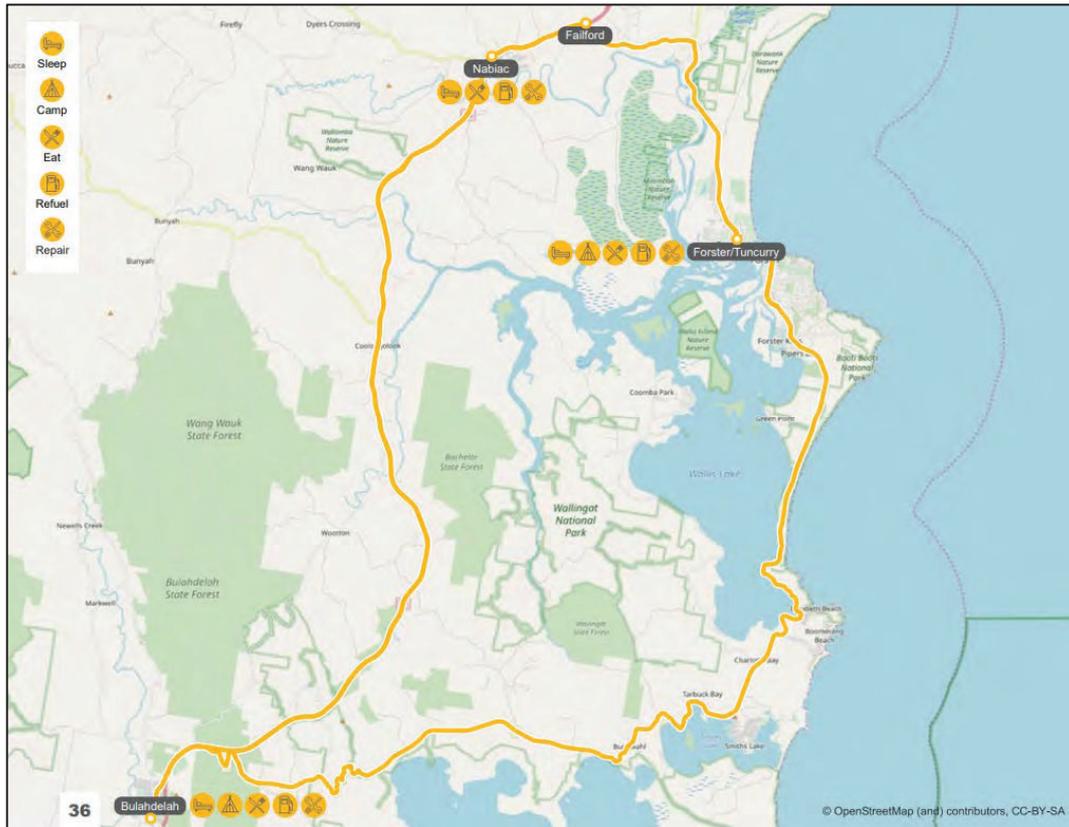
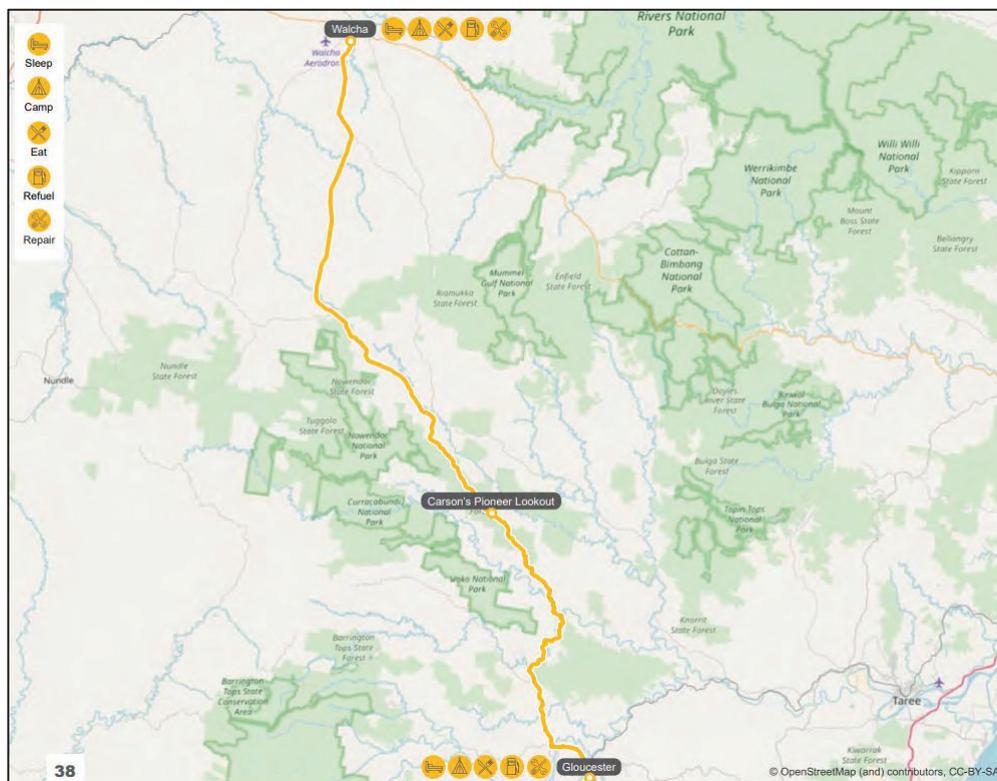


Figure 4. Thunderbolt's Way



Road conditions and other considerations in relation to safety, amenity and wayfinding have been raised by the community as key areas of improvement to be addressed before promoting these and other touring routes¹⁹.

Noting this, the following insights for alternative forms of tourism, such as motorcycle tours and touring, remain relevant and will assist with formulating the MidCoast Rural Strategy:

- The Action 6 of the [Visitor Economy Industry Action Plan 2030](#) commits Destination Networks to engage with Councils.
- There is a strong focus on the development and implementation of Destination Management Plans at State and Local levels. These are expected to assist with decisions in relation to funding e.g. grant assistance or other government investment in infrastructure. The [Tourism Destination Management Plan - MidCoast Council](#) was finalised in November 2017²⁰ and is discussed in more detail later in this Report.
- There is a strong focus on improving transport networks and services to enhance visitor connectivity and diversify visitor transport modes. These are discussed in more detail in the Transport background Report. For the purposes of this paper it is noted that road-based travel remains the primary mode for visitors in the MidCoast. Noting ongoing improvements and investment in the Pacific Highway, State and regional road transport corridors.

4.3 Regional Level Considerations

4.3.1 Hunter Regional Plan 2036

Ministerial Direction 5.10 requires future changes to planning controls to be consistent with [Hunter Regional Plan 2036](#). Therefore, the vision, land use strategy, goals, directions and actions described in the Hunter Regional Plan are considered generally reflective of current Government policy directions at National and State levels. On that basis, the Hunter Regional Plan was used as a platform for identifying top-down considerations for local strategic planning.

The [Hunter Regional Plan](#) (the Plan) recognises the importance and potential of tourism to regional economic development, particularly the opportunities afforded by the rural and natural areas of the MidCoast:

Vision: The leading regional economy in Australia with a vibrant new metropolitan city at its heart.

The Hunter is the leading regional economy in Australia, with thriving communities and a biodiversity-rich natural environment. The Hunter is home to more than 860,000 people and is still growing due to its reputation as one of the great places to live and work.

Beyond Greater Newcastle are vibrant centres, towns and villages, many of which have benefited from emerging job opportunities in the health, agriculture, tourism, defence, energy and transport sectors. Faster inter-regional transport and digital technology are making it easier for residents and businesses to interact and do business.

Visitors are arriving in greater numbers on cruise ships, via Newcastle Airport and by a variety of rail and highway links to sample international quality wines and fresh food, walk

¹⁹ Motorcycling in the Hunter (2019)

²⁰ <https://www.midcoast.nsw.gov.au/Part-of-your-every-day/Council-Projects/Tourism-Destination-Management-Plan>

along convict-built trails, trek through World Heritage-listed national parks and swim at lovely beaches.

Tourism considerations also feature in the MidCoast's Local Area Narrative:

The MidCoast Local Government Area, in the northern part of the Hunter, features pristine waterways, an extensive network of national parks and World Heritage wilderness areas. It is a popular destination for residents and visitors. The economy and employment are largely service-based, with industries such as tourism being highly seasonal. It contains diverse agricultural activities, including poultry, dairy and beef, and significant oyster-producing areas. The new MidCoast Council will have to consider the needs of diverse communities within a regional setting. It will have to capitalise on the opportunities provided by urban centres, rural areas and the natural environment to form a thriving economy based on food production, tourism, manufacturing and services that meet the needs of an ageing and growing population.

Regional priorities

Support the visitor economy by leveraging the natural beauty of the area and enhancing nature-based tourism infrastructure.

Priorities for strategic centres:

Taree - *Encourage greater utilisation of the Manning River for tourism, recreational and commercial purposes.*

Forster–Tuncurry - *Maintain retail, education, civic and tourism activities; Manage the role of tourism and accommodation; and Protect environmental and natural attributes.*

The Plan recognises the importance of tourism to regional economic development and the following seven directions are particularly relevant to high-level planning for tourism within the MidCoast.

Goal 1 - The leading regional economy in Australia

The Hunter is the largest regional economy in Australia, ranking above Tasmania, the Northern Territory and the Australian Capital Territory in terms of economic output. It drives around 28 per cent of regional NSW's total economic output and is the largest regional contributor to the State's gross domestic product.

The region has an estimated 322,000 jobs and this is projected to increase to 384,000 by 2036.

The Hunter is strategically situated to leverage proximity to Asia and the region's growing agricultural, health, education and tourism sectors to supply developing Asian economies with resources and products.

The Plan aims to strengthen the region's economic resilience, protect its well-established economic and employment bases and build on its existing strengths to foster greater market and industry diversification.

The Upper Hunter will undergo a transition in the context of a changing industry environment, particularly in mining and power generation, and emerging trends in agribusiness.

Emerging industries

Regional Development Australia's Smart Specialisation Strategy for the Hunter Region (2016) identified food and agribusiness as a growth area.

Other industries, such as tourism, health and education, are expected to expand as part of an overall national trend.

Direction 6 - Grow the economy of MidCoast and Port Stephens

The MidCoast and Port Stephens area is defined by its pristine natural environment and diverse agriculture.

The area's economy and employment base are largely service-based and highly seasonal, especially in the coastal towns of Forster and Nelson Bay. These factors reflect its tourism economy and ageing communities. The quality of the natural environment also underpins valuable rural and resource industries.

The completion of the Pacific Highway upgrade has cut travel times for visitors accessing the wide range of tourist activities in the area. This is supported by upgrades to Newcastle and Taree airports, allowing more visitors to directly enter the area.

Actions

6.1 Enhance tourism infrastructure and connectivity, recognising the importance of: regional and inter-regional connections via the Pacific Highway and the Newcastle and Taree airports and cruise ship gateways; and local routes such as the Lakes Way and Nelson Bay Road.

6.3 Enable economic diversity and new tourism opportunities that focus on reducing the impacts of the seasonal nature of tourism and its effect on local economies.

6.4 Promote growth of industries that can leverage accessibility provided by the Pacific Highway.

Direction 8 - Promote innovative small business and growth in the service sectors

The service sector is growing rapidly compared with the rest of the economy. Supporting service sector growth and innovation is key to the Hunter's economic success as it drives business competitiveness and job creation. The rise of middle-class consumers throughout the world, particularly in Asia, significantly increases the potential customer base for new products and services in the health, education and tourism sectors.

Small businesses are a large employer in the Hunter region and a significant contributor to its economy, with two-thirds of the 45,000 Hunter businesses employing fewer than four people. Small and medium businesses account for the largest share of job creation.

Actions

8.1 Implement initiatives to promote small business growth and innovation, particularly in Newcastle City Centre and other strategic centres.

8.2 Facilitate opportunities for incubator spaces for technology and non-technology early stage businesses and ensure opportunities for new and emerging enterprises are encouraged.

8.3 Improve connectivity to the region's major health and education precincts and strategic centres.

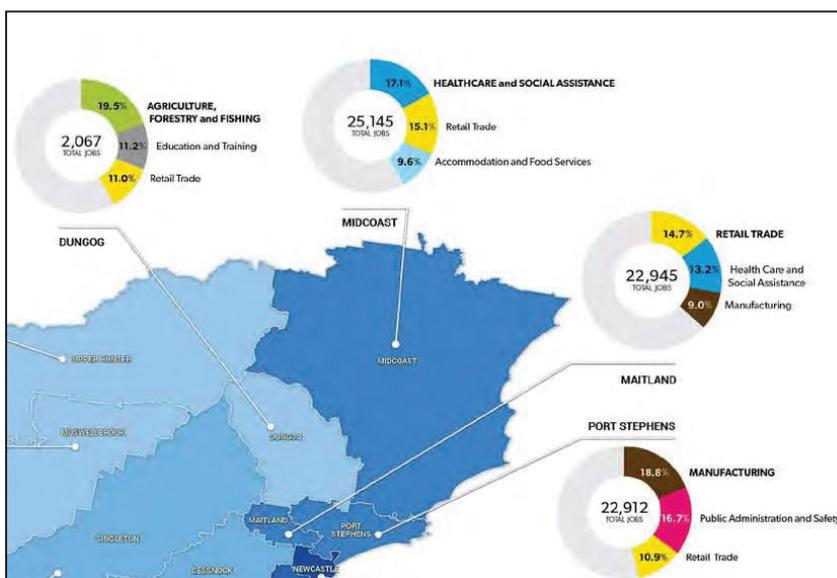
Direction 9 - Grow tourism in the region

There is huge potential for the Hunter to increase the number of nights visitors spend in the region from an annual 8.8 million.

Protecting the Hunter's pristine natural areas will keep them attractive to visitors. The coastal areas are some of the most visited and scenic parts of the region and are entry points to the vast Barrington Tops National Park, a World Heritage area.

The region can also capitalise on the growth in food-based or gastronomic tourism throughout the Manning Valley and Hunter Valley to support growers of products such as olives and oysters, as well as the beef and dairy industries.

Figure 5. Main employment sectors in the MidCoast²¹



Actions

- 9.1 Enable investment in infrastructure to expand the tourism industry, including connections to tourism gateways and attractions.
- 9.2 Encourage tourism development in natural areas that support conservation outcomes.
- 9.5 Develop capacity for growth in food-based tourism.

Direction 10 - Protect and enhance agricultural productivity

There are major international trends that the Hunter can capitalise on to increase agricultural productivity, such as increasing global connectivity and proximity to Asia, where the demand for fresh food is growing. Globally, middle-class markets are expected to be looking for value-added agricultural produce, including wine, cheese and other food products.

Domestically, the Hunter has competitive advantages courtesy of its proximity to the rapidly growing Sydney market, connectivity to regions to the north, west and south, and the export capability available through the Port of Newcastle and Newcastle Airport.

Further diversification will enable the region's agricultural industries to seize these opportunities. There are already 3,503 agricultural businesses operating in the region, delivering more than \$946 million in wholesale value.

Promoting sustainable growth in the agribusiness sector alongside other key industries will require more focus on regional water security; and industry access to underused land resources (requiring greater appreciation of land use compatibility).

Biosecurity is important to the wellbeing and prosperity of the region. In 2013, the NSW Government developed the NSW Biosecurity Strategy 2013-2021 to highlight the

²¹ [Hunter Regional Plan 2036 Goal 1 - The leading regional economy in Australia - \(nsw.gov.au\)](http://www.nsw.gov.au)

measures that can be taken to protect the economy, environment and community from the negative impacts of pests, diseases and weeds.

Biosecurity risks can often be minimised through appropriate land zoning and by applying buffers to separate different land uses, making use of distance, vegetation or topography.

Actions

10.4 Encourage niche commercial, tourist and recreation activities that complement and promote a stronger agricultural sector and build the sector's capacity to adapt to changing circumstances.

10.5 Develop an agribusiness industry strategy in areas experiencing high population growth to retain jobs and agribusiness growth for the Hunter.

10.6 Manage Biophysical Strategic Agricultural Land and other important agricultural land as locations for agricultural activities and complementary uses.

Direction 13 - Plan for greater land use compatibility

Ongoing investment in rural and resource industries will underpin the sustainable growth, economic prosperity and ongoing productivity of the Hunter region. As the Hunter continues to grow and new economic development opportunities emerge for rural and resource industries, there is potential for compatibility issues to arise and for competition to develop for water resources and for infrastructure to support other uses.

There is also potential for conflict if new housing encroaches into rural and resource areas, leading to increased management costs. Conflict could also affect the potential to sustain or grow rural and resource industries. The expansion of rural and resource industries can also affect established urban activities if not managed appropriately. Land use planning can provide greater certainty for investment in rural and resource industries by establishing clear parameters and transparent processes to support new development.

The NSW Government will continue to engage with communities, interest groups and industry around land use conflict to better understand all sides of the debate. This will assist with future policy-making and initiatives that balance the economic, social and environmental needs of the Hunter community.

Actions

13.3 Amend planning controls to deliver greater certainty of land use.

13.4 Provide non-statutory guidance on the types of land uses that would be considered most appropriate, suitable or sympathetic to existing land uses in the Upper Hunter and other areas where land use conflicts occur.²²

Goal 2 - A biodiversity-rich natural environment

The Hunter's diverse natural environment includes some of the most unique ecological systems in Australia. Within the region there are three terrestrial bioregions – the Sydney Basin, North Coast and Brigalow Belt South, and the Hawkesbury and Manning Shelf marine bioregions.

The natural environment sustains important terrestrial and aquatic ecological systems and good habitat connections, including part of a national corridor extending from Victoria to Far North Queensland.

²² [Hunter Regional Plan 2036 Goal 1 - The leading regional economy in Australia - \(nsw.gov.au\)](#)

Pristine natural areas are conserved in a network of protected areas, from the World Heritage values of the Greater Blue Mountains to the Port Stephens–Great Lakes Marine Park.

Residents and visitors are fortunate to have ready access to many of the region’s natural areas – and an array of unique experiences. These areas contribute to the region’s identity and the health of its communities and are important for recreational and tourism activities and as a focus for investment. They are also a key factor in the decisions people make about where to live.

Direction 14 - Protect and connect natural areas

Investing in conservation (including biodiversity offsets) that protects, and where possible, enhances habitat connections will deliver multiple benefits to the environment and the community. Investments have already been made in the Green Corridor (identified in the 2006 Lower Hunter Regional Strategy), which is an important link in the Great Eastern Ranges initiative. Identifying other priority conservation areas is also important.

Many of the region’s natural features are already subject to a high level of regulation to protect their environmental values. Strategic land use planning should identify and take account of the location and extent of these areas of high environmental value.

Biodiversity corridors

Biodiversity corridors are areas that link vegetation to form wildlife habitat. Corridors support ecological processes for plants (for example, pollination and seed dispersal) and wildlife movement (for example, for migration, feeding and breeding). They provide habitat and can improve the ability of species to adapt to changes in habitat and climate. Corridors also have significant scenic values and often support recreation.

A holistic approach across both public and private lands will protect and manage natural ecosystems and ensure connectivity between habitats. Planning and management tools can identify and establish corridors; processes which sometimes takes many years.

There are several areas in the Hunter where large areas of remnant vegetation could be connected to form a network. These include national parks, State forests, council reserves, floodplains, foreshore and riparian vegetation.

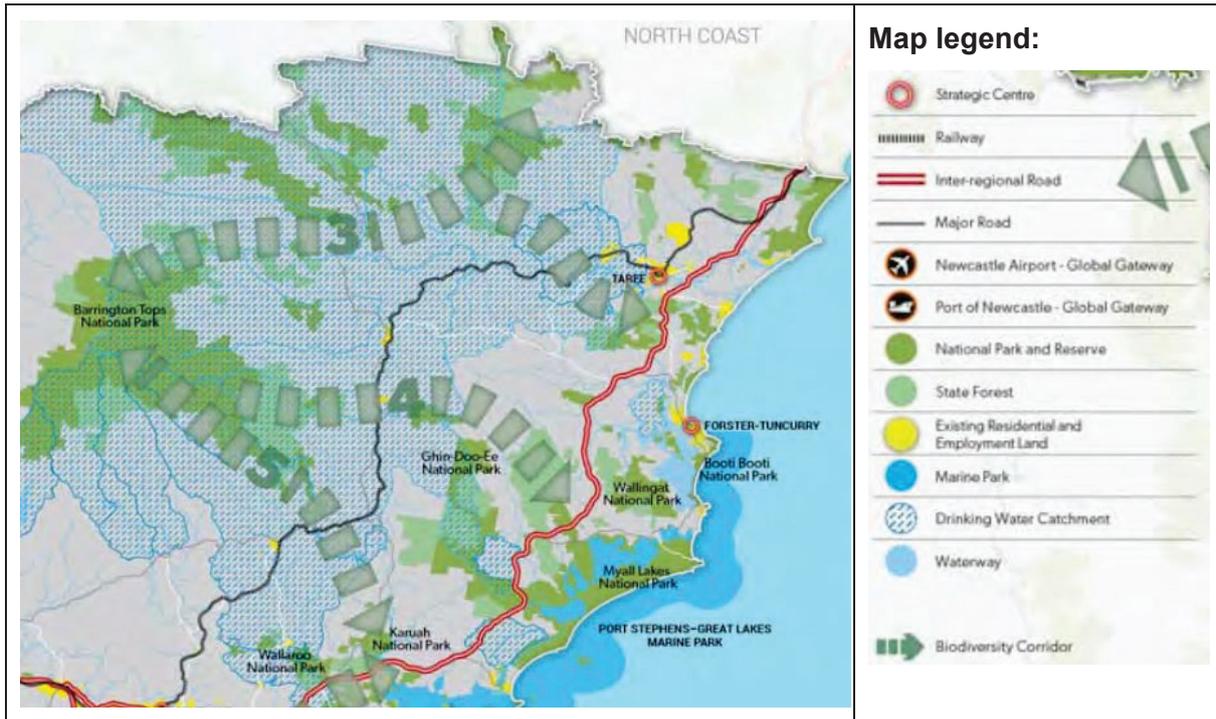
Barrington Tops to Myall Lake Link

This link encompasses fauna corridors first identified in the Mid North Coast Regional Strategy (2006). It is located between Barrington Tops National Park and large patches of existing vegetation in the Myall Lakes and Port Stephens areas. It extends across an area that the NSW Government is currently investigating for future gas resources to diversify the State’s energy supply and is an emerging (economic) growth area. The aim of conservation planning will be to protect landscape-scale connections. It will be achieved through private land incentive programs and other measures such as land use planning and biodiversity offsetting.

Manning River Link

This link encompasses fauna corridors and large vegetation patches between Barrington Tops and Woko national parks across the Manning River floodplain to coastal reserves such as Talawahl Nature Reserve. The aim of conservation planning will be to protect and enhance landscape-scale connectivity. This will be achieved through private land incentive programs and other mechanisms such as land use planning and biodiversity offsetting.

Figure 6. Environmental areas and Proposed Biodiversity Corridors in the MidCoast²³



Actions

14.1 Identify terrestrial and aquatic biodiversity values and protect areas of high environmental value to sustain the lifestyle, economic success and environmental health of the region.²⁴

Goal 3 - Thriving communities

The Hunter is home to some of the most diverse communities in NSW and their distinctive character is a significant competitive advantage for the region.

Many communities are set within and around the Hunter's natural features and open space, which are among the region's best assets. The quality of these areas and the ability to access them gives residents an array of unique experiences and the opportunity for a healthy lifestyle.

The Hunter contains natural features that are important cultural heritage for Aboriginal communities. Conserving these assets and respecting the Aboriginal communities' right to determine how they are identified and managed will preserve some of the world's longest-standing spiritual, historical, social and educational values.

Protecting built heritage values through revitalisation will create thriving communities that are great places to live.

²³ [A biodiversity-rich natural environment - \(nsw.gov.au\)](http://nsw.gov.au)

²⁴ [A biodiversity-rich natural environment - \(nsw.gov.au\)](http://nsw.gov.au)

Direction 18 - Enhance access to recreational facilities and connect open spaces

Expanding on the recreational walking and cycling trails that already exist in the region will allow more people to experience the region's wonderful natural areas. This includes extending the Great North Walk – a 250-kilometre bushwalking track that already links Sydney to the Hunter Valley and Newcastle – along the coast to Forster and inland.

The Hunter has an extensive network of open space spread across 9,775 hectares of land that provides many opportunities for people to experience the environment. By 2036, the network of recreation facilities, open space and bushland will extend to form a 'green grid' across the region.

The waterways in the region, such as Lake Macquarie, Port Stephens and Manning River, support important water-based recreational activities including both powered and non-powered boating activities.

Actions

18.1 Facilitate more recreational walking and cycling paths including planning for the Richmond Vale Rail Trail and expanded inter-regional and intra-regional walking and cycling links, including the NSW Coastal Cycleway.

18.2 Deliver connected biodiversity-rich corridors and open space areas for community enjoyment.

18.3 Enhance public access to natural areas, including coastal and lake foreshores.

18.4 Assist councils to develop open space and recreation strategies that identify a range of accessible open space and recreation opportunities; integrate open space, active transport and recreation networks; and improve public foreshore access.

18.5 Implement actions and invest in boating infrastructure priorities identified in regional boating plans to improve boating safety, boat storage and waterway access.²⁵

Goal 4 - Greater housing choice and jobs

An additional 70,000 dwellings will be needed in the region by 2036. Providing the land and the infrastructure to meet this demand is central to the Plan. New housing will be focused in established areas through infill development and will also continue to be provided through greenfield development.

The Plan provides guidance for both of these options. It also provides a framework to identify long term development sites through local strategic planning.

Direction 22 - Promote housing diversity

Trends that will shape housing demand in the Hunter region to 2036 include an increase in the ageing population. There are also discrete sectors of the community that are seeking particular types of housing; for example, students, older people, short term visitors, visitors accessing health services and low income households. Better understanding of the needs of these groups and how they differ across the region will help inform strategic and infrastructure planning and delivery.

By 2036, the Hunter is expected to be home to around 69,500 more people aged over 65 years. While the majority of these people are expected to live in Greater Newcastle, coastal communities in Port Stephens and the MidCoast, and many rural towns are also expected to age more rapidly than other parts of the Hunter.

²⁵ [Thriving communities - \(nsw.gov.au\)](https://www.nsw.gov.au)

Weekend and seasonal visitors will continue to influence local housing markets in coastal locations, driving demand for short term accommodation and holiday homes. Global fluctuations in resource markets will continue to influence housing markets in towns close to mines in the Upper Hunter. Further investigation is necessary to better understand these trends, anticipate their influence on housing and service demands, and provide an appropriate planning response. The number of single and couple-only households is growing; however, most houses in the Hunter region are three and four-bedroom detached homes. More studio and one and two-bedroom dwellings will be required to meet growing demand.

Similarly, social and affordable housing will be necessary to meet the needs of people on low incomes. Each community will have different housing needs and local solutions will have to be developed. Increasing the overall supply of housing will help to reduce pressure on the cost of housing.

Actions

22.1 Respond to the demand for housing and services for weekend visitors, students, seasonal workers, the ageing community and resource industry personnel.

22.5 Include guidance in local land use strategies for expanding rural villages and rural-residential development so that such developments will:

- not impact on strategic or important agricultural land, energy, mineral or extractive resource viability or biodiversity values;*
- not impact on drinking water catchments;*
- not result in greater natural hazard risk;*
- occur on land that is unlikely to be needed for urban development;*
- contribute to the conservation of important biodiversity values or the establishment of important corridor linkages; and*
- facilitate expansion of existing and new tourism development activities in agricultural or resource lands and related industries across the region.*

Direction 26 - Deliver infrastructure to support growth and communities

Growth will be supported by plans that collect contributions towards the cost of enabling and supporting infrastructure. The delivery of infrastructure and services will be aligned with the preferred staging of development. Development that occurs outside of this sequencing will be required to pay a greater proportion of infrastructure costs.

Greater collaboration between the NSW Government and councils on strategic planning and sequencing will enable all infrastructure providers to plan and deliver infrastructure that responds to demand.

Actions

26.1 Align land use and infrastructure planning to maximise the use and capacity of existing infrastructure and the efficiency of new infrastructure.

Direction 27 - Strengthen the economic self-determination of Aboriginal communities

Opportunity, Choice, Healing, Responsibility and Empowerment (OCHRE) is the NSW Government's plan for Aboriginal affairs. It focuses on:

- revitalising and promoting Aboriginal languages and culture;*

- *creating opportunities;*
- *increasing the Aboriginal community's capacity;*
- *providing choice and empowering Aboriginal people to exercise that choice; and*
- *giving Aboriginal people the tools to take responsibility for their own future.*

The planning system can support the OCHRE process by helping Local Aboriginal Land Councils identify how their landholdings can best be planned, managed and developed. This gives the Aboriginal community greater opportunities for economic independence and is consistent with the overall aim of the Aboriginal Land Rights Act 1983 (NSW), which lays the foundations for a more secure economic and self-reliant future for all Aboriginal people in NSW.

Actions

27.1 Work with the Purfleet–Taree, Forster, Karuah, Worimi, Mindaribba, Awabakal, Bahtabah, Biraban and Wanaruah Local Aboriginal Land Councils to identify priority sites that can create a pipeline of potential projects.

27.2 Identify landholdings and map the level of constraint at a strategic scale for each site to develop options for the potential commercial use of the land.²⁶

Further to this, the following tourism-related concepts are identified within the Plan and are therefore considered in more detail throughout this Report:

Tourism is generally promoted as a 'growth industry' important to the long-term economic prosperity of the Hunter Region. The MidCoast is well-positioned to respond to the overarching priorities identified to support growth in the tourism industry, noting:

- The Plan supports growth in food-based tourism. The MidCoast already has recognised strengths in food-based industries that are directly referred to in the Plan (oysters, beef and dairy). The Plan also specifically refers to the Manning Valley as an area that can capitalise on food-based and gastronomic tourism.
- The MidCoast has an abundance of pristine natural areas that are already popular with visitors. The Plan specifically refers to coastal areas and the Barrington Tops as major visitor destinations. The Plan encourages tourism development in a manner that supports ongoing conservation outcomes and maintains scenic qualities in these areas.

Tourism is specifically highlighted as a major contributor to the economic development of the MidCoast and adjoining Port Stephens LGAs. Support is provided to improve visitor connectivity and reduce impacts associated with the seasonal nature of tourism on local economies.

The Plan aims to enable more investment in tourism infrastructure. Newcastle Airport and the Port of Newcastle are identified as 'global gateways' relevant to the tourism industry for the entire Hunter Region. The Plan also identifies important 'tourism infrastructure' that already exists or is proposed in the MidCoast:

- Pacific Highway and Taree Airport are recognised as important for inter-regional connections.
- Local routes are also identified as relevant, such as The Lakes Way and proposed extension of the Great North Walk from Newcastle to Forster.

²⁶ [Greater housing choice and jobs - \(nsw.gov.au\)](https://www.nsw.gov.au/greater-housing-choice-and-jobs)

- Natural areas, including the extensive network of open space, bushland and waterways, are generally highlighted as important platforms for recreational activities. The priorities set out in the MidCoast's Local Area Narrative specifically encourage enhancing nature-based tourism infrastructure, and greater utilisation of the Manning River for tourism purposes²⁷.

The Plan directs local land use strategies, to provide guidance in relation to expanding opportunities within rural villages and rural-residential areas to facilitate tourism development, existing and proposed, outside towns and villages. The NSW Department of Planning, Industry and Environment is expected to identify Settlement Planning Principles and local planning toolkits to assist Councils in this regard.

Several of the Plan's directions call for consideration of land use compatibility through the planning process. This recognises the potential for uses relevant to rural tourism e.g. accommodation and recreation to affect, positively or negatively, opportunities to sustain or grow other rural or resource industries. The Plan describes several actions to assist in this regard, including the identification of important lands for agriculture, conservation and extractive industries.

Although not specifically mentioned in the Plan, the MidCoast also has a strong and growing equine industry, providing opportunities to leverage the success of the Upper Hunter, which the Plan promotes as an international centre of excellence for thoroughbreds²⁸. In this regard tourism offerings including equine tours and trails are also increasing in the region as the tourism offerings diversify.

Finally, the Plan identifies several 'delivery partners' responsible for planning 'actions' in relation to the tourism industry. In addition to Council, these include the NSW Department of Planning, Industry and Environment; Destination NSW; and Transport for NSW.

4.3.2 MidCoast Regional Economic Development Strategy 2018-2022

The development of Regional Economic Development Strategies across New South Wales was the initiative of the [NSW Department of Premier and Cabinet](#), through the Centre for Economic and Regional Development (CERD) . These Strategies were developed with strong linkages to the findings and recommendations of the [20 Year Economic Vision for Regional NSW](#) strategy document.

CERD worked closely with local councils to the Strategies, which apply standardised regional economic development methodology to identify existing economic strengths; new opportunities to enhance the region's development performance and competitiveness; and to set the region on a path to sustainable economic development.

The [MidCoast Regional Economic Development Strategy](#) (REDS) was released in July 2018. The process included a series of well-attended workshops held across the region, aimed at collaborating to build sustainable economic development. The strategy includes an action plan for the next three years, leveraging regional strengths such as our land and water assets, our infrastructure, and our location, lifestyle and amenity.

The MidCoast REDS is linked with Council's [Community Strategic Plan](#) and [Destination Management Plan](#), and provides a strategic platform for community, business and Council to work with the State Government in driving economic growth. It is an important plan that will

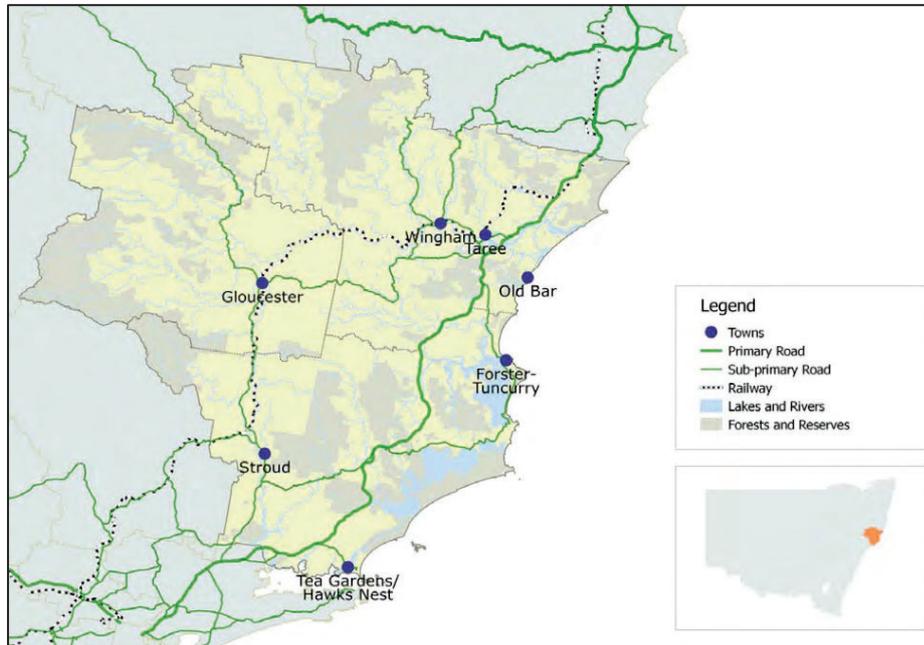
²⁷ <https://www.planning.nsw.gov.au/Plans-for-your-area/Regional-Plans/Hunter/Hunter-regional-plan/Local-government-narratives>

²⁸ <https://www.planning.nsw.gov.au/Plans-for-your-area/Regional-Plans/Hunter/Hunter-regional-plan/Local-government-narratives>

help attract State resources to underpin economic projects and create employment in the region. The key value of tourism to the MidCoast is reflected in the statement that

The Region will particularly appeal to visitors wishing to escape the cities and enjoy the natural attractions of the area.

Figure 7. The MidCoast LGA - Location, Infrastructure and Natural Assets²⁹



REDS identified key strengths of the MidCoast regional economy that can be capitalised upon, such as our location, infrastructure and natural assets as illustrated in Figure 7 above, which in turn, enhance our *Lifestyle, institutions and amenity* for industries such as tourism.

The MidCoast Region has significant endowments from a lifestyle and an amenity perspective that underpin a range of people-based industries.

The Region has 192 kilometres of coastline, with key features including the Manning and Myall Rivers, Wallis, Smiths and Myall Lakes. The twin towns of Forster-Tuncurry are high profile, popular destinations. The coastal waters, lakes and rivers have multiple uses including marine park tourism, whale watching, recreational fishing and recreational boating. In addition to tourism the coastal locations are popular for retirees and others seeking a sea-change lifestyle. The Manning River is an important asset that could be further leveraged in the development of Taree for tourism and lifestyle benefits.

The inland region including the township of Gloucester offers an attractive tree-change lifestyle, with good accessibility to the regional centres of Taree and Newcastle. Inland notable natural features include Barrington Tops World Heritage National Park which is a popular destination during summer and winter. There are many other natural assets including National Parks, State Forests and Nature Reserves. The Region's natural assets are highly accessible with good road and tourist infrastructure.

For tourism, the Region is accessible as a day trip destination from the Lower Hunter and as a short break destination from Sydney, Central Coast, Hunter, Tamworth and Armidale Regions. Gloucester's location on Thunderbolts Way is an advantage in leveraging vehicle traffic travelling between the New England North West Region and Newcastle, Sydney and the Mid Coast.

²⁹ [MidCoast-REDS-Final-Report.cleaned.pdf](#)

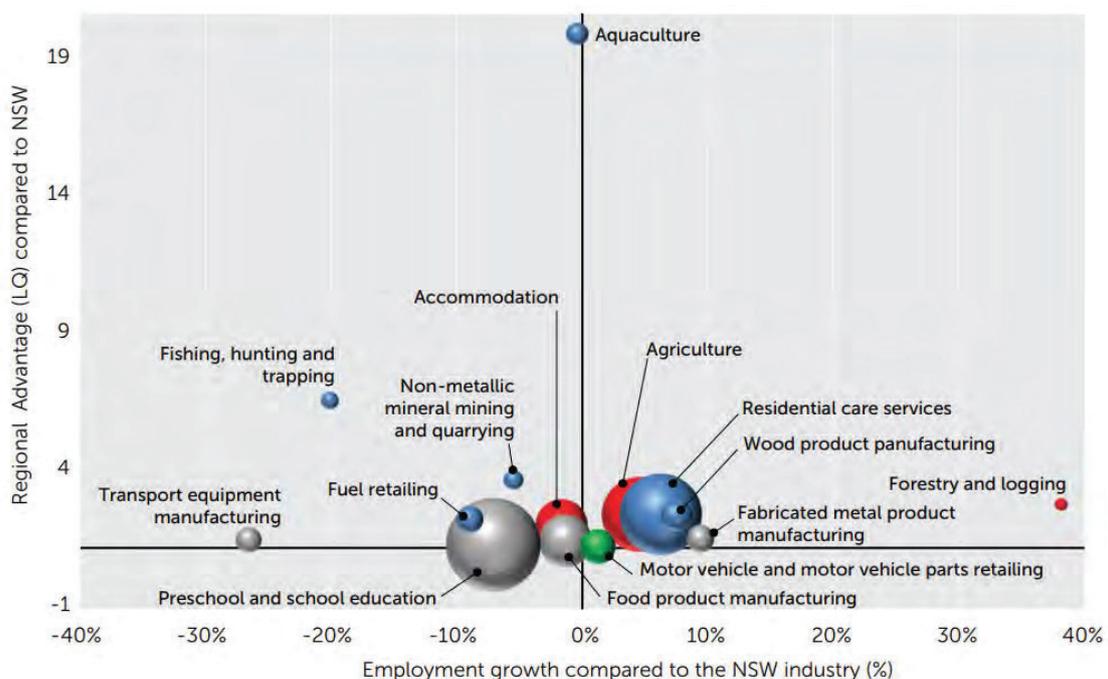
Relative to other coastal Regions to the North (e.g. Port Macquarie and Coffs Harbour), the MidCoast has a significant advantage in its proximity to Sydney and Newcastle. Relative to coastal Regions to the South (around the Central Coast and Lake Macquarie), land in the MidCoast is more affordable and less congested. The Region has good services and a number of strong institutions. Taree is an important regional asset as a key regional centre that includes a large regional public hospital, other health facilities in addition to the direct rail access and a local airport.

The Region has good accessibility to higher education (which helps build human capital) with TAFE NSW having good facilities in Taree and Tuncurry and university campuses in nearby cities of Port Macquarie and Newcastle. The Region has developed a reputation as being supportive of people with care needs with good services for the aged and people with disabilities and employment opportunities for people with disabilities.

The Region's appeal as a destination to get away and relocate to has led to a significant community of semi-retired and retired professionals who are active in supporting the Region. Such experience is valuable in supporting the development and growth of local businesses.³⁰

REDS also examined the region's competitive advantage (Location Quotient) by industry and comparing these findings to the same sector across NSW.

Figure 8. Location Quotients and Employment Growth for MidCoast Industries



Source: Census 2011, 2016. See the Supporting Analysis for notes regarding the analysis.

The Region also has specialisations in a number of people-based industries, reflecting its strength as an attractive location for people to reside and visit the Region. As shown in the figure, the MidCoast Region has a relatively high concentration of people employed in Accommodation and Food Services (a proxy for tourism) and Aged Care (a proxy for the retiree sector).

People coming to the Region can contribute to economic growth by spending accumulated wealth, bringing established businesses and capabilities that generate

³⁰ <https://www.midcoast.nsw.gov.au/Part-of-your-every-day/Council-Projects/Regional-Economic-Development-Strategy>

income, and other income sources. Accommodation and Food Services contributed \$153 million in Gross Value Added to the Region in 2015–16.

Visitors to the MidCoast spent an estimated \$505 million in 2016 making 'tourism' the largest export industry in the MidCoast region.³¹

Strengthening the Region as a location of choice:

While the Region has strong existing endowments, further work and investment is required to maximise its potential. This includes improvements to core infrastructure (e.g. road and telecommunications) that are important for each of the key industry sectors and industry specific assets (e.g. tourism assets).

Two of the key initiatives identified in the Strategy recommends that Council and other public agencies:

- *directly invest in key tourism assets to increase visitation, particularly in the off-season; and,*
- *encourage other lifestyle and tourist developments that will increase the Region's attractiveness to sea/tree change professionals and other skilled workers.*

Following on from this, specific infrastructure improvements are then identified, including:

- *road infrastructure – in particular key routes for development (Bucketts Way, Thunderbolt's Way and The Lakes Way);*
- *renewal of maritime facilities, particularly in Forster-Tuncurry;*
- *tourism assets – in particular key destination assets (e.g. Lakes2Ocean and Great Lakes iconic coastal walk;*
- *mobile telephone infrastructure – to address coverage issues in rural area; and,*
- *water infrastructure – improving water security³².*

Creating a supportive environment for businesses to invest and grow

Growing the local economy is dependent on the strength of local businesses to leverage their Region's endowments. Local businesses face barriers, such as uncertainty over land-use, that can be potentially reduced and/or removed. Actions can also be put in place to proactively support businesses to develop and grow.

Key initiatives/actions under this theme include:

- *identify and reduce/remove barriers that hinder business growth (including ensuring policies, procedures and charges are appropriate to support economic development consistent with the vision);*
- *resolving potential land-use conflicts through completion of a land-use strategy*
- *support development of the Region's workforce*
- *encourage partnerships to enable businesses to leverage each other and other groups;*
- *actively support new and existing businesses with advice and other services; and*
- *provide targeted support (detailed in the action plan) to key sectors including investments that will stimulate growth.*

³¹ <https://www.midcoast.nsw.gov.au/Part-of-your-every-day/Council-Projects/Regional-Economic-Development-Strategy>

³² <https://www.midcoast.nsw.gov.au/Part-of-your-every-day/Council-Projects/Regional-Economic-Development-Strategy>

Marketing the MidCoast Region

Due to a virtuous visitation cycle, marketing can be particularly effective in driving growth in the Region's people-based industries. People who visit are more likely to set-up businesses and retire in the Region. Through their connections, those who visit and relocate to the Region, encourage visitation and interest in the Region by others.



The first action under this Strategy is to establish a coordinated marketing strategy. Marketing would then be undertaken to:

- *business owners and skilled workers who may relocate to the Region;*
- *potential visitors to ensure that they are aware of the region's attractions;*
- *local residents to encourage them to 'play in their own backyard' and recommend the area to friends and relatives; and*
- *the MidCoast Region labour force and community to encourage them to deliver on the vision*

While the marketing initiatives outlined within the Regional Economic Development Plan are outside of the scope of land use planning, the identification of barriers to sustainable growth, the streamlining and simplification of land use controls, identification and protection of our natural assets, identification and management of potential land use conflicts, are all key issues for consideration and development within the rural landscape and planning provisions

4.4 Local Level Considerations

At the local level i.e. applying exclusively within the MidCoast local government area, additional policy considerations are set out in a range of documents endorsed by the State Government and/or Council. The following documents are relevant to long-term planning for tourism in the MidCoast and have been reviewed by the consultant team.

- [MidCoast 2030 Community Strategic Plan: Shared Vision, Shared Responsibility](#)
- [MidCoast Destination Management Plan](#)

4.4.1 MidCoast 2030: Shared Vision, Shared Responsibility

MidCoast 2030 was the first Community Strategic Plan prepared for the new 10,000 square kilometre MidCoast local government area created in May 2016.

Our Vision: We strive to be recognised as a place of unique environmental and cultural significance. Our strong community connection, coupled with our innovative development and growing economy, builds the quality of life we value.

Within this Plan we valued: our unique, diverse and culturally rich communities; a connected community; our environment; our thriving and growing economy; strong leadership and shared vision³³. Critically, we also recognised that our rural areas are key to all maintaining and enhancing all these values:

We have a strong sense of community. We want our towns and villages to reflect the vibrancy and individuality of the people within them and provide opportunities for us to connect and socialise.

Much of the rural area is used for farming, primarily dairy and beef cattle with a growing poultry industry. Oyster farming and fishing are important industries on our coast.

Our region is also a key holiday destination.

During the summer months the population swells with tourists coming to enjoy the region's pristine coastline and beaches, coastal lakes, lagoons and other attractions.

With the Pacific Highway, a national route, running straight through the region, we are an important connection point for travellers and transit companies.

The North Coast Rail Line connects Gloucester, Wingham and Taree to both Sydney and Brisbane.

*Taree Regional Airport provides quick connection to Sydney, and from here travellers can access a range of domestic and international routes.*³⁴

Table 2. Tourism Goals and Actions from MidCoast 2030³⁵

WE VALUE... our unique, diverse and culturally rich communities		
Where do we want to be?	How will we get there?	Who can help?
We are a diverse community that works together to care for all our members	<p>Provide equitable access to services, programs, spaces and facilities.</p> <p>Acknowledge, celebrate and empower our local Aboriginal communities.</p> <p>Strengthen the capacity of our young people to participate and thrive in community life.</p> <p>Empower our towns and villages to retain and celebrate their unique identity, while working towards a shared community vision.</p>	<p>MidCoast Council</p> <p>NSW and Federal Government</p> <p>Community groups</p> <p>Volunteers</p> <p>Not for profit organisations</p> <p>Service clubs</p> <p>State and volunteer emergency and rescue service</p> <p>Local Aboriginal groups and organisations</p>
We will embrace the uniqueness and creativity of our communities	<p>Support communities to identify priorities for ensuring they are sustainable into the future.</p> <p>Support the preservation and uniqueness of our history and cultural heritage in our towns, villages and significant places.</p>	<p>Creative arts sector and representative groups</p> <p>Tourism providers and Destination NSW</p> <p>Chambers of Commerce and business community</p> <p>Education and training providers</p>

³³ <https://www.midcoast.nsw.gov.au/Council/Plans-and-reports>

³⁴ [MidCoast-2030-Shared-Vision-Shared-Responsibility \(27\).pdf](#)

³⁵ [MidCoast-2030-Shared-Vision-Shared-Responsibility \(27\).pdf](#)



	Support and encourage our vibrant and creative arts sector.	
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How will we know we are on track?

- 1 The community is satisfied with council's recreational facilities
- 3 The community is satisfied with land use planning decisions

WE VALUE... a connected community

Where do we want to be?	How will we get there?	Who can help?
We feel connected to each other	Encourage public spaces, facilities and events that strengthen social connections.	MidCoast Council NSW and Federal Government
It is safe and easy to get around our region	Plan for, provide and maintain a safe road network that meets current and future needs. Encourage the use of alternative transport options through the provision of a safe, accessible and connected walking and cycling network.	Community groups Volunteers Not for profit organisations Regional Development Australia
We utilise technologies to connect us locally and beyond	Use technology and innovation to improve the way we live, work, learn and connect. Advocate for improved telecommunications and utilities to provide consistency across the region.	State and volunteer emergency and rescue services
We protect the health and safety of our communities	Work together to promote and enhance community safety. Continue to develop a sustainable network of water, sewer and storm water systems to meet community needs and health and safety standards. Increase the capacity of community, businesses and organisations to understand and meet public health standards	Local Aboriginal groups and organisations Chambers of Commerce and business community Utility providers Transport providers

How will we know we are on track?

- 1 The number of people at council-run and council-sponsored events has increased
- 2 The number of council volunteers has increased
- 3 The condition of our sealed roads has improved
- 4 There is an increase in the number of new developments connected by footpaths and cycleways

WE VALUE... our environment

Where do we want to be?	How will we get there?	Who can help?
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We protect maintain and restore our natural environment	<p>Improve the capacity of industry and the community to achieve the best possible outcomes for the natural environment.</p> <p>Ensure our natural assets are maintained to a standard appropriate to their use</p>	<p>MidCoast Council</p> <p>NSW and Federal Government</p> <p>Environmental groups</p>
We manage resources wisely	Proactively manage our resource consumption	Local Aboriginal groups and organisations
We balance the needs of our natural and built environments	<p>Ensure growth and new development complements our existing natural assets, cultural assets and heritage sites.</p> <p>Optimise land use to meet our environmental, social, economic and development needs</p>	<p>Education and training providers</p> <p>Chambers of Commerce and business community</p>
<p>How will we know we are on track?</p> <p>4 The community is satisfied with land use planning decisions</p>		

WE VALUE... our thriving and growing economy		
Where do we want to be?	How will we get there?	Who can help?
Our region is a popular place to visit, live, work and invest	<p>Develop and promote our region as an attractive visitor destination offering products and experiences that meet the needs of our visitors and residents.</p> <p>Provide an environment to grow and strengthen local businesses and attract new business.</p> <p>Increase opportunities for quality education and training.</p> <p>Advocate and identify opportunities for increased workforce participation</p>	<p>MidCoast Council</p> <p>NSW and Federal Government</p> <p>Community groups</p> <p>Regional Development Australia</p> <p>Local Aboriginal groups and organisations</p>
Our villages and business precincts are vibrant commercial, cultural and social hubs	<p>Implement innovative programs and projects to support business precincts in creating and maintaining vibrant spaces.</p> <p>Support and encourage the development and attraction of strategic events.</p> <p>Ensure strategies and processes recognise, maintain and support sustainable economic growth.</p> <p>Use existing knowledge, expertise and technology to develop businesses based on new ways of thinking.</p>	<p>Education and training providers</p> <p>Creative arts sector and representative groups</p> <p>Tourism providers and Destination NSW</p>
We encourage greater rural and agricultural economic diversity	Encourage the diversification and sustainability of agribusiness through the utilisation of sustainable farming practices, new technologies and innovation.	Chambers of Commerce and business community
<p>How will we know we are on track?</p> <p>1 There is a reduction in the MidCoast unemployment rate</p>		

2 The net number of new businesses has increased

3 Annual visitor numbers have increased

WE VALUE... strong leadership & shared vision		
Where do we want to be?	How will we get there?	Who can help?
We work in partnership with our community and government to ensure council is a trusted and flexible organisation that delivers on their needs	<p>Partner with, and positively influence the State and Federal Governments in delivering local priorities and services.</p> <p>Provide the community with an efficient, convenient and professional experience when using council services.</p> <p>Develop and deliver services and programs that provide value for money.</p> <p>Implement community focused systems to support simple and convenient ways to access and do business with our council, both online and in person.</p>	<p>MidCoast Council</p> <p>NSW and Federal Government</p> <p>Community groups</p> <p>Regional Development Australia</p> <p>Local Aboriginal groups and organisations</p> <p>Other councils</p>
We make opportunities available for the community to inform decisions that shape our future	Provide clear, accessible, timely and relevant information to support and inform the community.	<p>Education and training providers</p> <p>Chambers of Commerce and business community</p>
We develop and encourage community and civic leadership	<p>Inform, educate and empower council, business and community leaders to respond and adapt to challenges and change.</p> <p>Identify and participate in initiatives for regional cooperation and collaboration.</p> <p>Provide opportunities for the development of our elected and community leaders.</p>	
How will we know we are on track?		
2 The community is satisfied that decisions are made in their best interest		
4 The community is satisfied that council provides value for money for ratepayers		

4.4.2 MidCoast Destination Management Plan

The [MidCoast Destination Management Plan](#) (DMP) incorporates the identified “Game Changer” Manning Valley Soils to Sea Produce Precinct which recognises the range of quality produce throughout the region and the opportunity to create the ultimate produce hub within the MidCoast. The Precinct would showcase and profile the region’s produce; strengthens collaboration between the visitor economy and the agricultural sector; and provides a base for promoting and growing agri-business and agri-education.

Critically, the DMP examined the broad strengths, weaknesses, opportunities and challenges facing the tourism industry within the MidCoast, with the following specifically relevant to the rural landscape:

Table 3. MidCoast Tourism Destination Management Plan SWOT of Rural Tourism³⁶

STRENGTHS	OPPORTUNITIES
<p>Natural environment including world heritage listed national parks, wetlands of international significance, waterways, lakes and river systems</p> <p>Range of existing outdoor recreation and nature-based facilities and places</p> <p>Villages showcasing rural heritage, history and rural lifestyle</p> <p>High-quality local produce including Wallis Lake oysters, local wineries, etc – Manning Valley Naturally brand doing well in agriculture sector</p> <p>Proximity to Sydney and Newcastle</p> <p>Established tourism industries e.g. dolphin & whale watching, kayaking and some existing high-quality accommodation</p> <p>Cycling and walking trails</p> <p>Wide range of popular events and festivals</p> <p>Contemporary coastal villages</p>	<p>MCC's and region's commitment to sustainability</p> <p>Urban renewal in Taree and Forster to take advantage of and improve access to the Manning River and Wallis Lake respectively</p> <p>Short breaks market is growing – tailor regional offer to capitalise on this growth</p> <p>Strengthen relationships with potential partners to deliver new products and experience, such as NPWS and the Local Aboriginal Land Councils and private sector</p> <p>Strengthen collaboration through creation of a single destination brand that encapsulates or reflects the values, emotional territory and attributes of the three former local government areas</p>
WEAKNESSES	CHALLENGES
<p>Limited range of accommodation types</p> <p>Maintenance required to some visitor infrastructure and facilities e.g. walking trails</p> <p>Inconsistent standards of customer service, including some villages not offering 7 day or weekend services</p> <p>Limited resources for implementation of signature experiences</p> <p>Inconsistent levels of capacity within the industry and visitor services</p> <p>Inconsistent levels of industry engagement</p>	<p>Hyper-seasonality over summer along the coast</p> <p>Inconsistent promotion and use of local produce in local restaurants and cafes</p> <p>Managing visitor economy infrastructure projects across multiple land tenure</p> <p>Growing demand during non-peak (low and shoulder) seasons and increasing regional dispersal</p> <p>Access to waterways e.g. rivers in the hinterland and easements across private land</p>

The Plan in particular, promotes new markets: active families; women's adventure, health and well-being; younger adults seeking adventure and experiences; and the 'grey nomads' seeking outdoor recreation. In doing so, several strategic theses for 'experience' tourism were developed, all of which highlight the diversity of opportunities available across the rural landscape:

- 1. Nature's Bounty: Produce, food and drink; and High quality, accessible and more personalised experiences*

³⁶ [MIDCOAST-DESTINATION-MANAGEMENT-PLAN \(11\).pdf](#)

2. *Natural Adventure: Healthy outdoor living; and Quality recreational opportunities*
3. *Contemporary Coast: Revitalising our places; Exciting coastal experiences; and Artisans and craft-people*
4. *Vibrant Country Life: Revitalising our places; Genuine country experiences; and Artisans and craft-people*
5. *Celebrating Culture on Country: Immersive Aboriginal cultural experiences; and Artisans and craft-people*³⁷

These are discussed in additional detail within the Plan however, the following signature experiences and key game-changer projects have been put forward which would directly impact upon rural lands and tourism in the MidCoast:

- *Develop a regional events strategy, including a ‘Soil to Sea’ produce event or markets to recognise and promote the diverse and seasonal produce or ‘nature’s bounty’ offered by the NSW Mid North Coast region and leverage the global trend relating to experience locally-curated food and drink experiences.*
- *Great Lakes Great Walk and Aquatic Trails project, which involves developing an internationally significant Great Walk along a 100km stretch of coast between Forster and Hawks Nest, incorporating Myall Lakes and Booti National Parks. It would be enhanced by aquatic trails extending from Port Stephens into Myall Lakes, Smiths Lake and Wallis Lake (recipient of the 2016/17 Tourism Demand Driver Infrastructure grant) – potential future extension of this initiative into the Hinterland/Barrington Tops World Heritage Area*
- *High Ropes Adventure Park, which could be developed with a private sector provider and/or NPWS or FC*
- *Smith’s Lake Eco Village (linked to the Great Lakes Great Walk and Aquatic Trails project) • Great Lakes Ecolodge – linked to and location to be identified through master planning of the Great Walk and Aquatic Trails project*
- *Centre of Excellence for the Environment and Wetlands, which would reinforce MCC’s commitment to environmental sustainability*
- *Gloucester Visitor Hub, which could be developed in collaboration with the local tourism and hospitality industry, NPWS and FC*
- *Manning Valley Soil to Sea Produce Precinct (linked to Taree urban revitalisation), which would offer benefits to the local communities and business (especially the Manning Valley agricultural sector) as well as visitors*
- *World-class Equestrian Destination, which would leverage race days, rodeos, horse-riding trails, beach riding and equestrian events*
- *Nabiac Agricultural Hub - economic development initiative with significant benefits and integrated planning for the visitor economy*
- *Dark Point Ecolodge or glamping experience (linked to the Great Lakes Great Walk and Aquatic Trails project – LALC, Aboriginal community and NPWS involvement required)*
- *Aboriginal Health & Well-being Retreat – potentially the first of its kind in Australia and involving production of native plants*³⁸.

³⁷ [MIDCOAST-DESTINATION-MANAGEMENT-PLAN \(11\).pdf](#)

³⁸ <https://www.midcoast.nsw.gov.au/Part-of-your-every-day/Council-Projects/Tourism-Destination-Management-Plan>

Several Local Community Plans have also been prepared by local community groups with the assistance of Council which collectively, acknowledge the importance of tourism. While these plans are not considered to represent local government policy, they may reflect community attitudes towards agreements and commitments by Government, to facilitate growth in this area of the local economy.

- Bulahdelah Community Strategic Plan³⁹
- Coolongolook, Wang Wauk & Wallingat River Catchment Communities Community Strategic Plan⁴⁰
- Nabic Community Strategic Plan⁴¹
- Stroud and District Strategic Action Plan⁴²
- Wootton Community Strategic Plan⁴³

In conclusion, these documents recognise tourism as a significant industry and offer the following insights for tourism, which will assist with formulating the MidCoast Rural Strategy.

The DMP identifies an 'Experience Framework' as a basis for long-term planning for tourism in the MidCoast. The influence of planning controls is recognised as an important factor to the ongoing success of the industry to enable:

- Increased number and quality of places for people to stay (visitor accommodation);
- Create more attractions / destinations in rural and natural areas;
- Improve public access to natural areas, including waterfront areas; and
- Protect natural and built character that contributes to the visitor 'experience' in rural areas, such as scenic and visual appeal, or historic buildings.

Several plans identify a need to obtain reliable data on the availability and demand for tourist accommodation as a basis for long-term planning particularly in the following accommodation categories, which are directly relevant to rural areas and align with visitor expectations:

- Camping;
- Caravanning;
- Bed & Breakfast;
- Farm-stay;
- Cabins / villas; and
- Eco-resorts.

Several plans describe reasons for people to visit rural areas, do not provide a clear network of destinations or attractions across the MidCoast. This information would enable the coordinated development of supporting service industries, facilities and infrastructure suitable for growth areas in rural tourism:

- Casual visitation to public parks, reserves and beaches;
- Scenic drives and tours, on and off-road;
- Adventure/sport experiences in natural areas e.g. mountain biking, fishing, kayaking);
- Wildlife and conservation experiences, on land and offshore;
- Agri-tourism and other on-farm experiences, one-off and farmgate-trails;
- Immersive cultural and spiritual experiences e.g. Aboriginal cultural experiences, wellness retreats; and

³⁹ Bulahdelah Chamber of Commerce 2008

⁴⁰ Coolongolook and Wootton Action Group 2017

⁴¹ Nabic Village Futures Group 2015

⁴² Stroud Progress Association 2004

⁴³ Wootton Community Network 2017

- Functions and events e.g. weddings, concerts, markets, festivals.

A significant number of actions also relate to initiatives that are outside the influence of land use and development planning, predominantly marketing initiatives and information about attractions. While these are not directly relevant to this Strategy, it highlights the need for a coordinated approach to tourism development – as events and facilities are being proposed, consideration of how these are accessed, promoted and integrated into the ‘Barrington Coast experience’ should also be planned.

4.5 Environmental Planning Instruments and other regulatory considerations

The way tourism-related developments are considered through various State and Local environmental planning instruments is also relevant to long-term planning and plan making considerations.

These environmental planning instruments are: State Environmental Planning Policies (SEPP) and Local Environmental Plans (LEP). The content and format of an LEP is required to be consistent with the Standard Instrument Principal Local Environmental Plan (2006) and not inconsistent with, or repetitious of, the provisions of any relevant SEPP.

This section briefly describes how these types of activities are permitted, with or without consent, and relevant considerations relating to the permissibility, assessment and determination of development applications within the MidCoast. Documents informing this discussion include, but are not limited to:

- PN 09-006 Providing for Tourism in Standard Instrument LEPs (2009);
- NP 11-003 Preparing LEPs using the Standard Instrument Definitions (2011); and
- Regulatory framework for Caravan Parks and Camping Grounds, which are popular types of visitor accommodation in the MidCoast

The permissibility of, and assessment considerations for, various uses in rural areas is a key consideration in long-term planning to facilitate visitor accommodation and attractions in rural areas.

The planning practice notes currently available are quite dated and may not be entirely reflective of the contemporary needs of the industry. Information provided below is reflective of current guidelines, but the Department of Planning, Industry and Environment’s recently exhibited Explanation of Intended Effect – Proposed Amendments to Agriculture initiatives will also be considered.

4.5.1 State and Regional Development SEPP

Tourism facilities and infrastructure can be classed as state or regionally significant developments under the [State Environmental Planning Policy \(State and Regional Development\) 2011](#).

Two consent authorities may assess and determine projects under this SEPP – the Independent Planning Commission for certain State significant development; and the Joint Regional Planning Panel for certain Regionally significant development.

Schedule 1 identifies only one State Significant tourism development category, that of Cultural, recreation and tourist facilities. However, this does cover a diverse range of facilities and some funding discretion:

(1) Development that has a capital investment value of more than \$30 million for any of the following purposes—

(a) film production, the television industry or digital or recorded media,

(b) convention centres and exhibition centres,

(c) entertainment facilities,

(d) information and education facilities, including museums and art galleries,

(e) recreation facilities (major),

(f) zoos, including animal enclosures, administration and maintenance buildings, and associated facilities.

(2) Development for other tourist related purposes (but not including any commercial premises, residential accommodation and serviced apartments whether separate or ancillary to the tourist related component) that—

(a) has a capital investment value of more than \$100 million, or

(b) has a capital investment value of more than \$10 million and is located in an environmentally sensitive area of State significance or a sensitive coastal location.

Schedule 3 identifies additional categories of State significant infrastructure, undertaken by or on behalf of a public authority:

- Port facilities and wharf or boating facilities (not including marinas) that has a capital investment value of more than \$30 million.
- Development on land reserved under the National Parks and Wildlife Act 1974 by a person other than a public authority — for a purpose authorised under section [151A\(1\)\(b\)](#) of that Act (sustainable visitor or tourist use and enjoyment), and that has a capital investment value of more than \$10 million.

Schedule 7 allows for Regionally significant development in broad categories including one specifically relevant to tourism, development for the purpose of eco-tourist facilities that has a capital investment value of more than \$5 million.

4.5.2 SEPP (Exempt and Complying Development Codes) 2008

The provisions of the [State Environmental Planning Policy Exempt & Complying Development \(Codes SEPP\)](#) apply to certain tourist and visitor accommodation and facilities.

Activities that are generally permitted as exempt development subject to set criteria include home businesses, home industries, home occupations, mobile food and drink outlets,

business signs, temporary events.⁴⁴ A suite of temporary structures and activities are also permitted, subject to set criteria, including but not limited to tents, marquees, stages, platforms and filming.⁴⁵

However, the criteria for determining where these activities and structures remain similar to other land uses and activities, meaning exempt development still cannot be carried out on:

- state heritage item, interim heritage order, draft heritage item, heritage item in a LEP or SEPP, draft heritage conservation area or heritage conservation area
- National Parks, wilderness area, protected area or land reserved for public purpose
- Crown land flora, fauna, geological formation or environmental protection reserves
- critical habitat or critical habitat of threatened species
- biobanking agreement & biodiversity stewardship sites
- ecologically sensitive area or environmentally sensitive land (Code SEPP C11.17A)

In addition, there are provisions for these activities to be undertaken as complying development. These distinct criteria go so far as to exclude certain activities if they are proposed on bushfire prone land and require compliance with other numerical controls relating to location, design, landscaping, parking and access⁴⁶.

The complexity of these provisions often results in the lodgement of a development application with Council instead of lodgement of a Complying Development application. This may change over time as the Code SEPP and development control plans become more consistent over time.

4.5.3 SEPP No.21 Caravan Parks

The provisions of the [State Environmental Planning \(SEPP\) No.21 – Caravan Parks](#) which has been in force since 1992, broadly allows for short and long term occupation of sites within a caravan park. Historically this has enabled the use of caravan parks for both tourist accommodation and as a form of low cost accommodation within or near urban settlements with the associated services, facilities and infrastructure.

This is clear from the contents of Clause 10 Matters to be considered by Councils:

A Council may grant a development consent required by this Policy only after it has considered the following:

- a) whether, because of its location or character, the land concerned is particularly suitable for use as a caravan park for tourists or for long-term residence,*
- b) whether there is adequate provision for tourist accommodation in the locality of that land, and whether existing or potential tourist accommodation will be displaced by the use of sites for long-term residence,*
- c) whether there is adequate low-cost housing, or land available for low-cost housing, in that locality,*
- d) whether necessary community facilities and services are available within the caravan park to which the development application relates or in the locality (or*

⁴⁴ [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008 - NSW Legislation](#)

⁴⁵ [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008 - NSW Legislation](#)

⁴⁶ [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008 - NSW Legislation](#)

both), and whether those facilities and services are reasonably accessible to the occupants of the caravan park,

- e) *any relevant guidelines issued by the Director, and*
- f) *the provisions of the Local Government (Caravan Parks and Camping Grounds) Transitional Regulation 1993.*

On this basis the permissibility of caravan parks and camping grounds has also generally been broad, across all residential, rural and environmental zones. (Note: development consent is not required for caravan parks or camping grounds on land dedicated or reserved under the [National Parks and Wildlife Act 1974](#) and its associated [Regulation \(2009\)](#) and therefore LEP and SEPP provisions are generally silent in these areas.)

However, this is undermined by the provisions in Clause 5(4) which states that *nothing in State Environmental Planning Policy No 36—Manufactured Home Estates prevents development consent from being granted pursuant to this Policy for the use of land as a caravan park in which manufactured homes are or are to be installed or placed.*

Within the MidCoast this has seen a significant transition of traditional caravan park operations with a mix of tourist and low-cost accommodation facilities, being replaced with land lease communities targeted at retirees looking at ‘resort-style’ and secure community living that is not a ‘retirement home’ that may be developed under the Housing for Seniors and People with a Disability SEPP.

The loss of this form of tourist accommodation in locations where nature, event and adventure-based tourism may otherwise be available; or where there is already a limited range of housing available for permanent residents in rural towns and villages, may have an ongoing employment and economic impact across the MidCoast.

These pressures have been exacerbated not only with the natural disasters that have occurred within the MidCoast since 2019 and the associated loss of housing, but the significant increased pressure on housing supply at all levels, purchase, rental and crisis accommodation.

The Housing Strategy has already in part addressed this by recommending increased housing diversity within the urban residential zones.

The Rural Strategy may then look to identify and zone existing caravan parks to a recreation zone and exclude this form of development from rural and environmental zones, with a move to only permitting camping grounds in these areas to limit the loss of rural land and activities to residential development.

4.5.4 SEPP No.36 Manufactured Home Estates

The provisions of the [State Environmental Planning No.36 Manufactured Home Estates](#) came into legislation in 1997 and aims to “*facilitate the establishment of a manufactured home estates as a contemporary form of medium density residential development*” in suitable, serviced estates.

On the surface, this would appear to exclude rural and environmental lands however, the SEPP goes on to state that this was to be enabled by allowing manufactured home estates

where caravan parks were permitted, if the land met “*suitable location criteria*”, anywhere outside of the Sydney region.

Some of the criteria outlined in the SEPP excluding the development of manufactured estates includes:

- National Parks and Crown reserves;
- land unsuitable for residential development due to coastal hazards or flooding;
- within a water catchment;
- impacted by offensive or hazardous industries or pollution;
- land affected by or identified as extractive resources, service corridors, airport/industry buffers, and other environmental constraints;
- zoned for public open space, environmental protection, scenic protection or rural (not adjacent or adjoining urban land); and
- not identified in a Coastal Urban Planning Strategy or Residential Strategy (in the former Great Lakes and Greater Taree local government areas)⁴⁷.

However, if the land is not excluded, matters for consideration by Councils are like those identified previously for caravan parks.

In addition, the existing Ministerial Directions for Planning Proposals specifically identify in *3.2 Caravan Parks and Manufactured Home Estates*:

What a relevant planning authority must do if this direction applies

(4) In identifying suitable zones, locations and provisions for caravan parks in a planning proposal, the relevant planning authority must:

(a) retain provisions that permit development for the purposes of a caravan park to be carried out on land, and

(b) retain the zonings of existing caravan parks, or in the case of a new principal LEP zone the land in accordance with an appropriate zone under the Standard Instrument (Local Environmental Plans) Order 2006 that would facilitate the retention of the existing caravan park.

(5) In identifying suitable zones, locations and provisions for manufactured home estates (MHEs) in a planning proposal, the relevant planning authority must:

(a) take into account the categories of land set out in Schedule 2 of SEPP 36 as to where MHEs should not be located,

(b) take into account the principles listed in clause 9 of SEPP 36 (which relevant planning authorities are required to consider when assessing and determining the development and subdivision proposals), and

(c) include provisions that the subdivision of MHEs by long term lease of up to 20 years or under the Community Land Development Act 1989 be permissible with consent.⁴⁸

There is also an extended framework for regulating these types of facilities, with regulatory considerations predominantly provided under the [Environmental Planning and Assessment Act 1979](#) (EP&A Act) and its associated [Regulation \(2000\)](#) and the [Local Government Act 1993](#) (LG Act) and its associated [General Regulation \(2005\)](#) and [Manufacture Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings Regulation \(2005\)](#).

⁴⁷ [State Environmental Planning Policy No 36—Manufactured Home Estates \(1993 EPI 320\) - NSW Legislation](#)

⁴⁸ [Directions issued under section 9.1\(2\) Environmental Planning and Assessment Act \(nsw.gov.au\)](#)

This framework has been under review for several years, with reform considerations last outlined in the *Improving the Regulation of Manufactured Homes, Caravan Parks, Manufactured Home Estates & Camping Grounds Discussion Paper* released in 2015⁴⁹. This generally recognises that these types of uses can provide accommodation for two types of occupiers: holiday-makers; and longer-term residents, noting these types of facilities may be associated with: crisis accommodation; low-income accommodation; and seniors housing (e.g. retirement villages).

Therefore, the definition and permissibility for caravan parks, camping grounds and manufactured home estates is of significance when making recommendations for the zones, land use tables and local clauses that govern housing and accommodation across the rural landscape.

camping ground means an area of land that has access to communal amenities and on which campervans or tents, annexes or other similar portable and lightweight temporary shelters are, or are to be, installed, erected or placed for short term use, but does not include a caravan park.

caravan park means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

moveable dwelling has the same meaning as in the [Local Government Act 1993](#).

Note - The term is defined as follows:

moveable dwelling means—

(a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or

(b) a manufactured home, or

(c) any conveyance, structure or thing of a class or description prescribed by the regulations (under the [Local Government Act 1993](#)) for the purposes of this definition.⁵⁰

In this regard, given the intended form of manufactured home estates is as medium density development, it would be appropriate to exclude this potential form of development from rural and environmental zones, villages and other rural residential areas that are not supported by appropriate infrastructure, water, sewer and social services.

The options available to Council are discussed within the next section of this paper.

4.5.5 DPIE Proposed Amendments to Agriculture

In 2021 the Department of Planning, Industry and Environment released an [Explanation of Intended Effect for Proposed Amendments to Agriculture](#) provisions in environmental planning instruments. A copy of the Explanation of Intended Effect and FAQ documents provided during the exhibition are annexed to this report.

In reviewing the intended effects, Council officers made a submission to the Department on 12 April 2021 which supported the initiatives at a strategic level, the recognition and

⁴⁹ [Improving the Regulation of Manufactured Homes, Caravan Parks, Manufactured Home Estates & Camping Grounds Discussion Paper November 2015 \(nsw.gov.au\)](#)

⁵⁰ [Standard Instrument—Principal Local Environmental Plan \(2006 EPI 155a\) - NSW Legislation](#)

increased diversity of agriculture and agritourism activities; and matters for consideration in assessment pathways in the various environmental planning instruments discussed below.

Proposed Amendments to Agriculture - Agritourism and small-scale agriculture

Thank you for the opportunity to comment on the Explanation of Intended Effect for Agritourism and small scale agriculture development.

MidCoast Council is in the process of finalising a range of strategic planning work aimed at informing the preparation of an inaugural MidCoast Local Environmental Plan and Development Control Plan. The final component of this work is a Draft Rural Strategy which is to be exhibited in 2021.

The intent and purpose of the Explanation of Intended Effect is generally supported and consistent with the objectives of the Draft Rural Strategy – to increase flexibility and diversity of land uses within the rural landscape, with a focus on ensuring appropriate development is permitted in appropriate locations.

Council is interested in making amendments to the Gloucester LEP 2021, Great Lakes LEP 2014 and Greater Taree LEP 2010 as part of an amending State Environmental Planning Policy.

The comments below provide a summary of the feedback received in response to the exhibition material and have been reported to the elected representatives of MidCoast Council prior to lodgement of this submission.

Farm stay accommodation

- 1. There are no clear requirements for the property to have an existing approved dwelling house, satisfy the minimum lot size development standard or have a dwelling entitlement, within the exhibition documents.*

The amendments must be consistent with the existing provisions of Model Clause 4.2A – Erection of dwelling houses on land in certain rural and environmental protection zones, to ensure that any form of residential, tourist and visitor accommodation, including farm stay accommodation, caravan parks and camping grounds must only be permitted on land with a dwelling entitlement.

- 2. There are no requirements for a permanent resident to be on the site.*

To ensure appropriate management of the activity, particularly in emergency situations it is considered essential that any exempt or complying development activity associated with residential or tourist accommodation on rural land should only be permitted where there is an existing, lawfully approved dwelling on the property that is occupied by a permanent resident of the property.

This requirement is consistent with the new short-term holiday accommodation definition, gazetted on Friday 9 April 2021 that will come into effect on 30 July 2021: hosted short-term rental accommodation means short-term rental accommodation provided where the host resides on the premises during the provision of the accommodation.

- 3. There are no on-site sewage management requirements in the documentation. The immediate and cumulative impact of providing accommodation without any form on on-site sewage management system are significant, particularly with the proposed exempt development provisions that allow up to 20 additional people for up to 14 days. Noting that this open-ended provision may result in an ongoing occupation of a site by 20 additional people at any given time.*
- 4. The proposed setbacks are supported. The proposed setbacks should be consistently applied to farm stay accommodation and any other residential and tourism accommodation on rural lands to ensure consistency and minimise land use conflicts between accommodation and agricultural activities on rural lands.*

5. *Land based exclusions must be applied consistently. Any form of exempt or complying residential, tourist and visitor accommodation, including farm stay accommodation, caravan parks and camping grounds should be excluded from bushfire prone, flood affected, environmentally sensitive areas and contaminated land for consistency and to ensure environmental characteristics of the site are maintained.*
6. *There are no requirements for emergency management or evacuation provisions within the documentation. In this regard, there is no requirement to ensure access from a publicly constructed and maintained road is available to ensure evacuation can occur safely or consideration of parking, access and egress for visitors.*

Farm gate activities including Roadside stalls

1. *The intention and purpose of including ‘cafes and restaurants’ within the farm gate activity definition is unclear and not supported. Council would be supportive of the inclusion of artisan food and drink industry within a definition of agritourism as this activity directly relates to the intent and purpose of the Proposed Amendments for Agriculture. The definitions are provided for context:*

artisan food and drink industry means a building or place the principal purpose of which is the making or manufacture of boutique, artisan or craft food or drink products only. It must also include at least one of the following—

- (a) a retail area for the sale of the products,
- (b) a restaurant or cafe,
- (c) facilities for holding tastings, tours or workshops.

Note — See clause 5.4 for controls in industrial or rural zones relating to the retail floor area of an artisan food and drink industry.

Artisan food and drink industries are a type of light industry—see the definition of that term in this Dictionary.

restaurant or cafe means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided.

Note — Restaurants or cafes are a type of food and drink premises—see the definition of that term in this Dictionary.

2. *The introduction of exempt provisions for roadside stalls are welcomed provided access, egress and any parking areas can be safely provided in accordance with RMS requirements.*
3. *The exempt and complying development provisions for roadside stalls and farm gate activities need to be clarified to ensure both forms of activity have minimum floor areas and hours of operation:*
 - a. *Roadside stalls as exempt development is limited to 8sqm and hours of operation 7am-7pm Monday to Saturday and 9am-6pm on Sundays and public holidays;*
 - b. *No floor area or hours of operation controls appear to be specified for exempt farm gate activities. These exempt criteria should be more than roadside stalls and less than complying development e.g. maximum floor area of 50sqm, with the same hours of operation.*
4. *The criteria do not provide consistent consideration of floor areas or hours of operation between the different land use activities or approval pathways. Maximum floor areas and hours of operation must be specified for each land use – roadside stalls, farm gate activities and events - based on the relative scale of that use, to ensure impacts*

on neighbours and the environment are appropriately identified and managed for each of the exempt, complying and development assessment processes.

5. The introduction of farm gate activities for up to 50 people are supported, but require criteria like farm stay accommodation, to ensure minimal impacts on adjoining owners and the environment:

- a. There are no requirements for an existing lawfully approved dwelling or a permanent resident to be on the property within the documentation.

The amendments must be consistent with the existing provisions of LEPs in the MidCoast to ensure that any form of farm event must only be permitted on land with a dwelling entitlement.

To ensure appropriate management, particularly in emergency situations, it is considered essential that any exempt or complying development provisions for farm gate activities should only be permitted where there is an existing, lawfully approved dwelling on the property and that a permanent resident is on site during the activity.

6. There are no on-site sewage management requirements in the documentation.

The immediate and cumulative impact of providing farm gate activities for up to 50 people without any form on on-site sewage management system are significant. Most existing systems would only be designed to cater for existing approved dwelling houses and would require replacement or supplementary systems separate to the dwelling house, to accommodate additional demand created by these activities. Noting that this open-ended provision may result in multiple groups of up to 50 people visiting a site on any given day.

7. The proposed setbacks are supported. The proposed setbacks should be consistently applied to avoid confusion and minimise land use conflicts between agritourism events and agricultural activities on rural lands.

8. Land based exclusions must be applied consistently. Any form of exempt or complying farm gate activity other than a roadside stall, should be excluded from bushfire prone, flood affected, environmentally sensitive areas and contaminated land to ensure consistency and to ensure environmental characteristics of the site are maintained.

9. There are no requirements for emergency management or evacuation provisions within the documentation. In this regard, there is no requirement to ensure access from a publicly constructed and maintained road is available to ensure evacuation can occur safely or consideration to the appropriate provision of parking, access and egress for visitors to a farm gate activity.

Farm events

1. The provisions for exempt farm events are not supported and have the potential for significant impacts upon adjoining residents, agricultural activities and generate additional land use conflicts.
2. Farm events are only supported as complying development if the criteria are consistent with those for development applications, in that they can be measured, managed and enforced.
3. The 1000sqm separation for farm events with amplified music or voices is supported but requires a specification regarding the acceptable level of noise.
4. The requirement to notify adjoining residents (noting that the resident may not be the landowner) is supported however one week is considered insufficient to allow for management of stock and other agricultural activities on the adjoining properties to ensure land use conflict is minimised.

5. *The range of hours of operation and maximum number of guests and events per year are excessive. The open-ended nature of the provisions may result in multiple groups of up to 30 people visiting a site every weekend (52) per year or for 52 consecutive days, without recourse or respite for adjoining landowners. It is recommended that the wording be amended from “event days per year” to “separate events”; and include a limit to the number of consecutive “event” days.*
6. *The document as exhibited also makes no comment on dwelling entitlements; a permanent resident being on site during the event; the provision of parking, access, egress; on-site sewage management systems; setbacks to environmentally sensitive areas; or areas where these activities are excluded. Previous comments regarding these issues as they relate to farm stay accommodation and farm gate activities, are also relevant to farm events.*

Ancillary activities and structures

1. *The consideration of bushfire prone land should be consistently applied to all forms of accommodation and activities including ancillary structures.*
2. *Business identification and free-standing signs should not be exempt or complying development if the signage is illuminated, to minimise any visual impact on adjoining landowners or livestock.*

Small-scale processing plants

1. *The inclusion of a small-scale processing plant complying development provisions and criteria are not supported.*
2. *The document as exhibited does not provide any criteria or consideration of parking, access, egress, on-site sewage management systems, waste management or building/facility requirements for these activities. Therefore, the proposed small-scale processing plant provisions are insufficient for the scale of activity proposed and are not supported.*
3. *Council would support the inclusion of a small-scale processing plant definition and local clause in the local environmental plan, to enable clear and consistent criteria for a development assessment process.*
4. *Consistent with previous comments on agritourism activities, small-scale processing facilities should:*
 - a. *only be permitted where there is an existing, lawfully approved dwelling on the property;*
 - b. *only operational when a permanent resident is on site;*
 - c. *be excluded from flood and bushfire prone land; and*
 - d. *require landowners to consider emergency management requirements for facilities with employees or associated farm gate activities.*

Farm infrastructure

These provisions are generally supported on the basis that the controls will be clearly and consistently applied across all relevant environmental planning instruments.

Biosecurity for poultry farms and pig farms

No comment is provided at this time as it is unclear how planning controls could or should over-ride or otherwise interfere with industry standard bio-security requirements.

Rural dwelling setbacks from intensive livestock agriculture

1. *There are no requirements for the property to satisfy the minimum lot size development standard or have a dwelling entitlement within the exhibition documents. The amendments must be consistent with the existing provisions of Model Clause*

4.2A – *Erection of dwelling houses on land in certain rural and environmental protection zones to ensure that any form of residential, tourist and visitor accommodation, including farm stay accommodation, caravan parks and camping grounds must only be permitted on land with a dwelling entitlement.*

2. *The additional setbacks are supported. However, the setbacks should be measured from the property boundary to ensure clear and consistent application and ensure that potential expansion and or modification of the agricultural activity within the rural property is not affected by the location of the constructed dwelling.*

Recreational Beekeeping

The inclusion of a recreational beekeeping definition and exempt development provisions are supported.

In conclusion, while the Proposed Amendments to Agriculture provisions are supported at a strategic level, the provisions and criteria provided do not appear to adequately consider the range of natural hazards or on-site management requirements associated with accommodating or entertaining tourists and visitors on rural land.

The provisions if applied as proposed, would also exacerbate existing inconsistencies between the Gloucester, Great Lakes and Greater Taree LEPs.

Therefore, Council is interested in working with the Department to enable the introduction of clear and consistent planning controls for agritourism and related activities to ensure the opportunities created by these amendments are provided to agricultural producers across the MidCoast, and we and look forward to engaging in this process.

There has been no response from the Department at the time of writing.

4.5.6 Standard Instrument Local Environmental Plan

The Standard Instrument – Principal LEP contains the following relevant definitions relating to tourism accommodation and activities:

The [Standard Instrument Principal Local Environmental Plan](#) (Standard Instrument LEP) was significantly amended in 2019-202 to increase the number and relevance of land use definitions relating to agriculture and rural industries:

amusement centre means a building or place (not being part of a pub or registered club) used principally for playing—

- (a) billiards, pool or other like games, or
- (b) electronic or mechanical amusement devices, such as pinball machines, computer or video games and the like.

artisan food and drink industry means a building or place the principal purpose of which is the making or manufacture of boutique, artisan or craft food or drink products only. It must also include at least one of the following—

- (a) a retail area for the sale of the products,
- (b) a restaurant or cafe,
- (c) facilities for holding tastings, tours or workshops.

Note — See clause 5.4 for controls in industrial or rural zones relating to the retail floor area of an artisan food and drink industry.

Artisan food and drink industries are a type of **light industry**—see the definition of that term in this Dictionary.

backpackers' accommodation means a building or place that—

- (a) provides temporary or short-term accommodation on a commercial basis, and
- (b) has shared facilities, such as a communal bathroom, kitchen or laundry, and
- (c) provides accommodation on a bed or dormitory-style basis (rather than by room).

Note — Backpackers' accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

bed and breakfast accommodation means an existing dwelling in which temporary or short-term accommodation is provided on a commercial basis by the permanent residents of the dwelling and where—

- (a) meals are provided for guests only, and
- (b) cooking facilities for the preparation of meals are not provided within guests' rooms, and
- (c) dormitory-style accommodation is not provided.

Note — See clause 5.4 for controls relating to the number of bedrooms for bed and breakfast accommodation. Bed and breakfast accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

boat launching ramp means a structure designed primarily for the launching of trailer borne recreational vessels, and includes associated car parking facilities.

camping ground means an area of land that has access to communal amenities and on which campervans or tents, annexes or other similar portable and lightweight temporary shelters are, or are to be, installed, erected or placed for short term use, but does not include a caravan park.

caravan park means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

cellar door premises means a building or place that is used to sell wine by retail and that is situated on land on which there is a commercial vineyard, and where most of the wine offered for sale is produced in a winery situated on that land or is produced predominantly from grapes grown in the surrounding area.

Note — Cellar door premises are a type of **retail premises**—see the definition of that term in this Dictionary.

charter and tourism boating facility means any facility (including a building or other structure) used for charter boating or tourism boating purposes, being a facility that is used only by the operators of the facility and that has a direct structural connection between the foreshore and the waterway, but does not include a marina.

farm stay accommodation means a building or place that provides temporary or short-term accommodation to paying guests on a working farm as a secondary business to primary production.

Note — See clause 5.4 for controls relating to the number of bedrooms.

Farm stay accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

commercial premises means any of the following—

- (a) business premises,
- (b) office premises,

(c) retail premises.

community facility means a building or place—

- (a) owned or controlled by a public authority or non-profit community organisation, and
- (b) used for the physical, social, cultural or intellectual development or welfare of the community,

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

eco-tourist facility means a building or place that—

- (a) provides temporary or short-term accommodation to visitors on a commercial basis, and
- (b) is located in or adjacent to an area with special ecological or cultural features, and
- (c) is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact.

It may include facilities that are used to provide information or education to visitors and to exhibit or display items.

Note — See clause 5.13 for requirements in relation to the granting of development consent for eco-tourist facilities. Eco-tourist facilities are not a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

entertainment facility means a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub or registered club.

environmental facility means a building or place that provides for the recreational use or scientific study of natural systems, and includes walking tracks, seating, shelters, board walks, observation decks, bird hides or the like, and associated display structures.

farm stay accommodation means a building or place that provides temporary or short-term accommodation to paying guests on a working farm as a secondary business to primary production.

Note — See clause 5.4 for controls relating to the number of bedrooms. Farm stay accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary

food and drink premises means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following—

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) a pub,
- (d) a small bar.

Note — Food and drink premises are a type of **retail premises**—see the definition of that term in this Dictionary.

function centre means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

hotel or motel accommodation means a building or place (whether or not licensed premises under the [Liquor Act 2007](#)) that provides temporary or short-term accommodation on a commercial basis and that—

- (a) comprises rooms or self-contained suites, and

(b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,

but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

Note — Hotel or motel accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

information and education facility means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.

jetty means a horizontal decked walkway providing access from the shore to the waterway and is generally constructed on a piered or piled foundation.

kiosk means premises that are used for the purposes of selling food, light refreshments and other small convenience items such as newspapers, films and the like.

Note — See clause 5.4 for controls relating to the gross floor area of a kiosk. Kiosks are a type of **retail premises**—see the definition of that term in this Dictionary.

marina means a permanent boat storage facility (whether located wholly on land, wholly on a waterway or partly on land and partly on a waterway), and includes any of the following associated facilities—

- (a) any facility for the construction, repair, maintenance, storage, sale or hire of boats,
- (b) any facility for providing fuelling, sewage pump-out or other services for boats,
- (c) any facility for launching or landing boats, such as slipways or hoists,
- (d) any car parking or commercial, tourist or recreational or club facility that is ancillary to the boat storage facility,
- (e) any berthing or mooring facilities.

market means an open-air area, or an existing building, that is used for the purpose of selling, exposing or offering goods, merchandise or materials for sale by independent stall holders, and includes temporary structures and existing permanent structures used for that purpose on an intermittent or occasional basis.

Note — Markets are a type of **retail premises**—see the definition of that term in this Dictionary.

parking space means a space dedicated for the parking of a motor vehicle, including any manoeuvring space and access to it, but does not include a car park.

passenger transport facility means a building or place used for the assembly or dispersal of passengers by any form of transport, including facilities required for parking, manoeuvring, storage or routine servicing of any vehicle that uses the building or place.

port facilities means any of the following facilities at or in the vicinity of a designated port within the meaning of section 47 of the [Ports and Maritime Administration Act 1995](#)—

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,
- (b) facilities for the loading or unloading of freight onto or from vessels and associated receipt, land transport and storage facilities,
- (c) wharves for commercial fishing operations,
- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,
- (e) sea walls or training walls,

(f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

recreation area means a place used for outdoor recreation that is normally open to the public, and includes—

- (a) a children’s playground, or
- (b) an area used for community sporting activities, or
- (c) a public park, reserve or garden or the like,

and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).

recreation facility (indoor) means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

recreation facility (major) means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes theme parks, sports stadiums, showgrounds, racecourses and motor racing tracks.

recreation facility (outdoor) means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

research station means a building or place operated by a public authority for the principal purpose of agricultural, environmental, fisheries, forestry, minerals or soil conservation research, and includes any associated facility for education, training, administration or accommodation.

restaurant or cafe means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided.

Note — Restaurants or cafes are a type of **food and drink premises**—see the definition of that term in this Dictionary.

roadside stall means a place or temporary structure used for the retail sale of agricultural produce or hand crafted goods (or both) produced from the property on which the stall is situated or from an adjacent property.

Note — See clause 5.4 for controls relating to the gross floor area of roadside stalls. Roadside stalls are a type of **retail premises**—see the definition of that term in this Dictionary.

serviced apartment means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner’s or manager’s agents.

Note — Serviced apartments are a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

shop means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop and neighbourhood supermarket, but does not include food and drink premises or restricted premises.

Note — Shops are a type of **retail premises**—see the definition of that term in this Dictionary.

small bar means a small bar within the meaning of the [Liquor Act 2007](#).

Note — Small bars are a type of **food and drink premises**—see the definition of that term in this Diction

take away food and drink premises means premises that are predominantly used for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises.

Note — Take away food and drink premises are a type of **food and drink premises**—see the definition of that term in this Dictionary.

temporary structure has the same meaning as in the Act.

Note — The term is defined as follows — **temporary structure** includes a booth, tent or other temporary enclosure (whether or not part of the booth, tent or enclosure is permanent), and also includes a mobile structure.

tourist and visitor accommodation means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following—

- (a) backpackers' accommodation,
- (b) bed and breakfast accommodation,
- (c) farm stay accommodation,
- (d) hotel or motel accommodation,
- (e) serviced apartments,

but does not include—

- (f) camping grounds, or
- (g) caravan parks, or
- (h) eco-tourist facilities.

transport depot means a building or place used for the parking or servicing of motor powered or motor drawn vehicles used in connection with a business, industry, shop or passenger or freight transport undertaking.

vehicle sales or hire premises means a building or place used for the display, sale or hire of motor vehicles, caravans, boats, trailers, agricultural machinery and the like, whether or not accessories are sold or displayed there.

Note — Vehicle sales or hire premises are a type of **retail premises**—see the definition of that term in this Dictionary.

water recreation structure means a structure used primarily for recreational purposes that has a direct structural connection between the shore and the waterway, and may include a pier, wharf, jetty or boat launching ramp.

wharf or boating facilities means a wharf or any of the following facilities associated with a wharf or boating that are not port facilities—

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,

- (b) facilities for the loading or unloading of freight onto or from vessels and associated receipt, land transport and storage facilities,
- (c) wharves for commercial fishing operations,
- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,
- (e) sea walls or training walls,
- (f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.⁵¹

The Standard Instrument LEP also mandates land use permissibility within zones that must be incorporated into all LEPs. However, there is some flexibility as to how Councils generally apply rural zones and the land use permissibility within these zones.

The Standard Instrument LEP also allows council to develop locally relevant planning clauses and mapped controls. In some cases, 'model clauses' have been prepared by the State Government, to provide a more uniform basis for local provisions commonly applied within similar local government areas.

Recent amendments to the Standard Instrument LEP in 2019-202, not only included new and amended definitions, but increased the number of clauses relating to agriculture and rural industries, some of which are documented below:

5.4 Controls relating to miscellaneous permissible uses [compulsory]

- (5) **Farm stay accommodation** *If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than [insert number not less than 3] bedrooms.*
- (8) **Roadside stalls** *If development for the purposes of a roadside stall is permitted under this Plan, the gross floor area must not exceed [insert number not less than 8] square metres.*
- (10) **Artisan food and drink industry exclusion** *If development for the purposes of an artisan food and drink industry is permitted under this Plan in an industrial or rural zone, the floor area used for retail sales (not including any cafe or restaurant area) must not exceed—*
 - (a) *[insert number not more than 67%] of the gross floor area of the industry, or*
 - (b) *[insert number not more than 400] square metres,**whichever is the lesser.*⁵²

5.5 Controls relating to secondary dwellings on land in a rural zone [optional]

If development for the purposes of a secondary dwelling is permitted under this Plan on land in a rural zone—

- (a) *the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater—*
 - (i) *[insert number] square metres,*
 - (ii) *[insert number]% of the total floor area of the principal dwelling, and*

⁵¹ [Standard Instrument—Principal Local Environmental Plan \(2006 EPI 155a\) - NSW Legislation](#)

⁵² [Standard Instrument—Principal Local Environmental Plan \(2006 EPI 155a\) - NSW Legislation](#)

(b) the distance between the secondary dwelling and the principal dwelling must not exceed [insert number] metres.

Direction — This clause may also be adopted without paragraph (a) or without paragraph (b).⁵³

Dwelling houses and Dwelling Entitlements

Under the Standard Instrument LEP, dwelling houses are:

- identified as “permitted with consent” within the land use tables of the RU1 Primary Production, RU2 Rural Landscape and RU4 Primary Production Small Lot, E3 Environmental Management and E4 Environmental Living zones;
- but not identified in the RU3 Forestry, E1 National Parks and Reserves or the E2 Environmental Protection zones;

meaning Council only has discretion within the E2 Environmental Protection zone (at the time of writing)⁵⁴.

However, across the MidCoast the provisions of *Clause 4.2A Erection of dwelling houses on land in certain rural and environmental protection zones* does limit the development potential of any allotment that has an area less than the existing minimum lot size specified within the zones listed above.⁵⁵

The Greater Taree, Great Lakes and Gloucester LEP’s all contain a variation of this clause and additional, related restrictions on other forms of residential, tourist and visitor accommodation on land without a dwelling entitlement.

These restrictions are supported and should be maintained to ensure that potential land use conflicts and emergency management plans for tourist and visitor accommodation and events in rural and environmental zones can be proactively managed by the permanent resident/accommodation and event organiser familiar with the location and operation of the site.

Caravan parks and manufactured housing estates

Caravan parks provide important tourist accommodation in towns and villages popular to holiday-makers. There are many caravan parks located in environmental or rural zonings within the MidCoast, they are generally located on the outskirts of existing towns or villages but can also be found in isolated areas with limited infrastructure and services.

It is important to note that some caravan parks are not tourist parks but are ‘residential’ parks, providing permanent low-cost housing. The following is a list of caravan parks and their current zone, correct at the time of writing:

- Reflections Holiday Parks Jimmys Beach (Coorilla St, Hawks Nest), adjoining an existing urban area and zoned E3 Environmental Management
- Reflections Holiday Parks Seal Rocks (Kinka Rd, Seal Rocks), in a relatively isolated area surrounded by National Park, although close to a small general store at Seal Rocks, zoned E3 Environmental Management
- Sandbar Caravan Park (Sandbar Rd, Sandbar), in an isolated area with single road access and zoned E3 Environmental Management

⁵³ [Standard Instrument—Principal Local Environmental Plan \(2006 EPI 155a\) - NSW Legislation](#)

⁵⁴ [Standard Instrument—Principal Local Environmental Plan \(2006 EPI 155a\) - NSW Legislation](#)

⁵⁵ <https://www.planning.nsw.gov.au/-/media/Files/DPE/Other/model-local-clauses-for-standard-instrument-leps-4-2a-erection-of-dwelling-houses-on-land-in-certain-rural-and-environmental-protection-zones.pdf>

- Bushland Holiday Park and Golf Course (Sandbar Rd, Sandbar), in an isolated area with single road access and zoned RU2 Rural Landscape
- Discovery Parks Forster (Aquatic Rd, Darawank), providing both holiday and residential living, adjoining existing large lot residential estate and zoned RU2 Rural Landscape
- Great Lakes Riverside Living (Mill Rd, Failford), a residential living park adjoining an existing large lot residential estate and zoned RU2 Rural Landscape
- Hallidays Point Caravan Park (Blackhead Rd, Tallwoods Village) adjoining the residential Tallwood Village area, zoned RU1 Primary Production
- Big4 Happy Hallidays (Blackhead Rd, Hallidays Point), a tourist park adjoining a residential area and zoned RU1 Primary Production
- Beachfront Hallidays Point Holiday Park (Red Head Rd, Hallidays Point), a tourist park adjoining a residential area and zoned RU1 Primary Production
- Diamond Beach Holiday Park (Jubilee Parade, Diamond Beach), a tourist park adjoining a residential area and zoned RU1 Primary Production
- Weroona Caravan Park (Manning Point Rd, Manning Point), a tourist park adjoining a village and zoned RU1 Primary Production
- Big4 Colonial Holiday Park (Harrington Rd, Harrington), a tourist park adjoining a residential area and zoned RU1 Primary Production
- Discovery Parks Harrington (Crowdy S, Harrington), a tourist park adjoining a residential area of Harrington, zoned E2 Environmental Conservation and RE1 Public Recreation
- Bulahdelah Cabin and Van Park (Bulahdelah Way, Bulahdelah), a residential living park adjoining the village area of Bulahdelah, zoned RU2 Rural Landscape
- Gloucester Holiday Park (Denison St, Gloucester), a tourist park adjoining the rural centre of Gloucester and zoned SP1 Special Purposes
- Gloucester Tops Riverside Caravan Park (Gloucester River Rd, Invergordon), a tourist park in an isolated area and zoned RU1 Primary Production

The size and style of these differ greatly between areas - from large beachfront tourism orientated facilities through to smaller parks with predominantly permanent residents. The zoning of these sites also differs including several rural, recreation and residential zones.

The caravan park sector has also undergone change in more recent times. Whilst these trends are not uniform, it is notable that coastal parks have been moving more strongly towards higher quality cabins, reducing areas for camping and caravanning over time.

Non-coastal areas have seen a trend towards higher proportions of permanent residents, promoted as lifestyle resorts for retirees in some cases.

Either way, these provide important elements of the housing mix - encouraging diverse tourism options and establishing more affordable housing. Moving forward it is therefore important that existing caravan parks are recognised and retained where possible, including the potential for new parks to be developed in the future.

For consistency, it is suggested that in urban areas or as part of the urban/rural interface, existing caravan parks be zoned RE1 - Public Recreation or RE2 - Private Recreation based on their ownership.

Recommended Actions

5.1.7 Generally support the retention of existing caravan parks through the consistent application of the RE1 - Public Recreation zone to those sites in Council or State Government control, and RE2 - Private Recreation for private facilities.

5.1.8 Ensure potential for the development of new caravan parks in residential areas by permitting caravan parks in the R1 - General Residential and R3 - Medium Density Residential zones.⁵⁶

Therefore, there is a clear need to recognise the importance and continued use of existing caravan parks for both tourism and residential accommodation purposes.

However, to address the conflict experienced in the urban/rural interface and across the rural landscape where conversion of caravan parks to a medium density form of residential accommodation in manufactured home estates, it is considered appropriate to replace caravan parks with camping grounds as a permissible land use in rural zones.

In this regard, the Standard Instrument LEP definitions state:

camping ground means an area of land that has access to communal amenities and on which campervans or tents, annexes or other similar portable and lightweight temporary shelters are, or are to be, installed, erected or placed for short term use, but does not include a caravan park.

caravan park means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

Noting that the [Local Government Act 1993](#) includes supplementary definitions:

manufactured home means a self-contained dwelling (that is, a dwelling that includes at least one kitchen, bathroom, bedroom and living area and that also includes toilet and laundry facilities), being a dwelling—

(a) that comprises one or more major sections, and

(b) that is not a motor vehicle, trailer or other registrable vehicle within the meaning of the Road Transport Act 2013,

and includes any associated structures that form part of the dwelling.

manufactured home estate means land on which manufactured homes are, or are to be, erected.

And the [Local Government \(Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings\) Regulation 2005](#) makes distinctions between camping grounds and primitive camping grounds, providing additional discretion on how this land use may provide temporary accommodation to both visitors and residents of the MidCoast, without the unintended consequences of manufactures home estates in rural areas.

4.5.7 Land use permissibility within a Local Environmental Plan

The permissibility and assessment considerations for tourist and visitor accommodation, tourism facilities and events are generally under-represented for rural zones and enterprise, with many existing definitions and clauses focussed on metropolitan and urban opportunities and experiences. This may be significantly amended in the future with the integration of initiatives from the EIE for Proposed Amendments to Agriculture – agritourism and small-scale agribusinesses discussed earlier in this report.

Tourist and visitor accommodation is a group land use term as defined under the Standard Instrument LEP, and includes various sub-terms and associated terms however, the existing

⁵⁶ Draft MidCoast Housing Strategy, 2020

challenge is the lack of clarity and diversity of accommodation options available in rural spaces.

In addition, there is currently no term to provide a collective understanding of what constitutes a tourist and visitor attraction or event. Instead, several land use terms may be relevant and/or required to accommodate the diversity of events that could occur across the rural landscape. Some of the current definitions most relevant to development in rural areas are presented in Table 4 for context. These generally recognise:

- Facilities or premises that directly provide a product or service for visitors on-site.
- Land uses or structures that contribute to the overall scenic or aesthetic outlook associated with rural areas
- Services and facilities that enable visitation to our rural landscapes. These defined activities could include any ancillary or incidental industries associated with tourism, from tour operators to cleaning services. These generally benefit from being conveniently located near the visitors or premises they are servicing.

Table 4. Standard LEP definitions for tourist and visitor attractions and events

Visitor facilities (excluding accommodation)	Land use or facilities contributing to rural landscapes	Visitor services
<p>Retail premises: Cellar door premises Food and drink premises Garden centre Kiosks Markets Plant nurseries Roadside stalls Shops</p>	<p>Agriculture uses: Aquaculture Extensive agriculture Viticulture Forestry</p>	<p>Transport-related facilities: Air transport facility Airstrip Helipad Highway service centre</p>
<p>Other premises: Environmental facility Function centre Information and education facility Place of worship Recreation facility Research station</p>	<p>Waterfront facilities: Boat launching ramp Charter and tourism boating facility Jetties Marina Water recreation structures Wharf or boating facility</p>	<p>Ancillary: Advertising structures Business identification sign Home business Home industry Home occupation</p>

Land use terms included under or associated with tourist and visitor accommodation or attractions are generally not mandated as permissible, with or without consent, under the Standard LEP. Councils must make a deliberate effort to include them in land use tables to facilitate full-service tourism activities and land uses both on individual properties and within rural communities.



Anecdotally, the existing challenges with applying land use definitions and ensuring that a sufficiently diverse range of activities may be carried out in rural areas has resulted in not only lost productivity and commercial opportunities, but a significant number of unregulated and unauthorised activities across the MidCoast.

In this regard, the practice notes provided by the State to assist councils with planning for tourism in local environmental plans are out-of-date and do not reflect the contemporary needs of the industry. The DPIE EIE Proposed Amendments for Agriculture represent the first step in addressing this issue and Council have expressed an interest in participating in this process to ensure growth in the tourism industry in the MidCoast is sustainable and in balance with needs to protect the land and water resources that make it such an attractive place to visit.

As such, with the expansion of tourism and other associated land uses across rural and appropriate environmental zones, Council should also look to include a suitable merits-based assessment clause, similar to that recently introduced to the Byron LEP 2014:

6.8 Rural and nature-based tourism development

(1) The objective of this clause is to ensure that tourism development in rural and natural areas is small scale and does not adversely impact on the agricultural production, scenic or environmental values of the land.

(2) This clause applies to land in the following zones—

(a) Zone RU1 Primary Production,

(b) Zone RU2 Rural Landscape.

(3) Development consent must not be granted to tourism development on land to which this clause applies unless the consent authority is satisfied that—

(a) there is, or will be, adequate vehicular access to and from a road, other than a classified road, taking into account the scale of the development proposed, and

(b) the development is small scale and low impact, and

(c) the development is complementary to the rural or environmental attributes of the land and its surrounds, and

(d) the development will not have a significant adverse impact on agricultural production, amenity or significant features of the natural environment.

(4) Development consent must not be granted to development for the purpose of tourism development on land to which this clause applies unless—

(a) a lawfully erected dwelling house or dual occupancy (attached) is situated on the land, or

(b) a dwelling house may be erected on the land under this Plan.

(5) Development consent must not be granted to development under subclause (4) if the development—

(a) includes an ancillary caretaker's or manager's residence, or

(b) is for the purpose of more than 1 bed and breakfast accommodation.

(6) In this clause—

small scale means a scale that is small enough to be generally managed and operated by the principal owner living on the property.

tourism development includes, but is not necessarily limited to, development for any of the following purposes—

- (a) *bed and breakfast accommodation,*
- (b) *camping grounds,*
- (c) *farm stay accommodation,*
- (d) *eco-tourist facilities,*
- (e) *home industries that provide services, or the sale of goods, on site to visitors,*
- (f) *information and education facilities,*
- (g) *restaurants or cafes,*
- (h) *rural industries that provide services, or the sale of goods, on site to visitors.*⁵⁷

4.5.8 Council as Consent Authority

For most tourism accommodation, facilities and event development applications in rural areas, where development is not triggered by state significant or regional development criteria under the State and Regional Development SEPP, Council will be the consent authority.

Applications would be assessed against:

- any relevant considerations in the LEP, including any zone objectives
- any Development Control Plan
- any relevant Council Policy.

4.5.9 Development controls

Tourism and visitor accommodation, activities, facilities and events have at this time, are not generally reflected in the objectives or controls of development control plans.

As a result, considerable issues may arise during development assessment that are not adequately addressed including but not limited to: emergency management plans, water availability and security, access and traffic management, noise and other amenity impacts on adjoining land owners and agricultural land uses.

In this regard, Council may undertake additional research into suitable triggers and assessment requirements for:

- **Eco-tourist facilities** - increasingly popular choice for visitors staying overnight in the MidCoast seeking good access to natural areas in ecologically sustainable accommodation.

Eco-tourist facilities and operators can be ECO-certified by Ecotourism Australia, a non-for-profit organisation focussed on inspiring environmentally sustainable and culturally responsible tourism who offer a number of certification programs that follow a number of eco-tourism principles. The [Green Travel Guide](#) lists the ECO-certified tourism operators throughout Australia. The Barrington Outdoor Adventure Centre is the only current ECO-certified tourism operator in the MidCoast.

- **Farm-stay accommodation** - where visitors immerse themselves into working agricultural farms. Council may provide additional guidance on the concept of “working farm” meeting the minimum standards for a primary producer under the requirements of the Australian Tax Office. Not meeting these requirements may

⁵⁷ [Byron Local Environmental Plan 2014 - NSW Legislation](#)

currently render accommodation ineligible as Farm Stay Accommodation if the property operates as a “hobby farm” or “rural lifestyle” property.

- **Bed and breakfast** – where visitors stay overnight, and meals are provided for guests. This activity is also identified in the Exempt & Complying Development SEPP and any development controls should be generally consistent with these provisions, noting that a development application is required when the SEPP criteria cannot be met.
- **Short-term rental accommodation** - offers guests rooms or entire houses for rent utilising various web-based booking sites. The acknowledged issues relating to fair trading, ambiguity of the legislative framework and potential impacts on residential amenity have resulted in State Government investigations into the adequacy of regulation in NSW.

At the time of writing the NSW Government is in the process of implementing a new regulatory framework for short-term rental accommodation, including a state-wide planning framework, a mandatory Code of Conduct, changes to strata legislation and introduction of a new industry-led STRA property register.

- **Caravan parks and camping grounds** – as outlined previously in this report the framework for regulating these types of facilities is complex and has been under review for several years. Other Acts also separately apply to land generally outside of Council’s authority:

National parks and nature reserves – regulated by the National Parks and Wildlife Act 1974 and its associated Regulation (2009), development consent is not required for caravan parks or camping grounds on land dedicated or reserved under this Act. This is generally reflected in LEPs through the application of E1 National Parks and Nature Reserves zonings.

Crown land and reserves – regulated by the Crown Land Management Act 2016 and its associated Regulation (2018), caravan and camping park development generally aligns with the management objectives of this Act. The suitability of any specific location for these types of uses may be specified in a Plan of Management, which must be prepared by the relevant reserve manager and if permissible within the zone, premises may be operated directly by the NSW Crown Holiday Parks Land Manager or under private lease arrangements, subject to lease approval.

While the location of approved caravan parks can be confirmed across the MidCoast, this is not the case for camping grounds, campsites or primitive camping areas i.e. no communal amenities or facilities, which are on both public and private properties and promoted by various websites including hipcamp and freecamping Australia.

- **Weddings, Festivals, Gastronomic and Cultural Tourism** – while opportunities already exist to facilitate a diverse range of community and cultural events on public reserves, the only opportunity at this time for these to be staged on private properties are as temporary events under the Exempt and Complying Development SEPP or LEP provisions.

However, the financial investment required to provide facilities, catering, accommodation and associated food and beverage services for these events warrants additional consideration. Achieving a balance between an approved facility and regular events on rural properties, with environmental impacts and potential land use conflict is desirable to ensure a sustainable outcome. The DPIE EIE Proposed Amendments to Agriculture are considered to represent a significant step towards

achieving certainty for operators and minimising these potential impacts for adjoining owners and environments.

In conclusion, there is additional work to be done in consultation with the State, land owners and operators to ensure the operational needs of these facilities are balanced with the compliance and regulations aimed at minimising environmental impact and land use conflict. This work should be undertaken in conjunction with consideration of suitable locations for new tourism facilities and activities, particularly where these are distant from existing urban areas or other facilities.



5 Recommended Planning Framework

Tourism development outcomes are most effectively supported through initiatives undertaken outside the development assessment process e.g. education, business support, assistance with funding, etc. as well as through improved infrastructure and asset management which ensures a good visitor experience.

Based on tourism and visitation trends being experienced across the MidCoast this section provides high-level considerations for how tourist and visitor accommodation, events and facilities may be managed clearly and consistently through the planning framework.

Within the recommended framework, the provisions for tourism have therefore been considered across the following three zone categories:

- **Rural Zones** – RU1 Primary Production and RU2 Rural Landscape
- **Environmental Zones** – E2 Environmental Protection and E3 Environmental Management
- **Waterway Zones** – W1 Natural Waterways, W2 Recreation Waterways and W3 Working Waterway

Within all rural and environmental zones, it is recommended that tourist and visitor accommodation, events and facilities only be permitted where there is an existing dwelling on the site. This ensures that any tourist and visitors unfamiliar with the area and property, can be provided with a great visitor experience during our peak seasons, and a safe visitor experience, even during our worst weather events.

5.1 Rural zones

The resolution of tourism activities within rural zones is primarily required in areas outside of the RU5 Village zone, which is a relatively open zone where a mix of residential, commercial, industrial, recreation and tourism activities are permitted with consent, based on the infrastructure, services and capacity of the individual development site.

It is therefore, the broad-scale rural zones, used for primary production and rural lifestyle activities where tourism opportunities and challenges require resolution. The following recommendations are made for these areas:

- Encourage and participate in the State process of diversifying tourism facilities and events in rural areas to ensure flexibility and diversity through the various assessment processes;
- Permit the *tourist and visitor accommodation* group term with consent in all rural zones with the merit-based assessment clause documented in this report.
- Prepare development control plan objectives and controls for the range of tourist accommodation, facilities and events that may be undertaken across the MidCoast to provide a common understanding of what information is needed with an application and how Council will characterise development for assessment based on the Standard LEP definitions e.g. can a rural cabin be considered a *serviced apartment* if a clearer definition does not exist.
- Prohibit caravan parks within rural zones and ensure camping grounds – with amenities or without as primitive camping sites – are permitted with consent and assessed in accordance with existing legislation. Provide development control plan objectives and controls for any additional, locally specific matters.

- Additional development control plan objectives and controls, are to be developed to ensure there is a common understanding of how these activities are defined and can be operated in a manner that is 'ancillary' to any existing primary production activity on the development site and compatible with surrounding properties. These controls may include minimum standards for access, parking, hours of operation, limits to events per year, the size of facilities and number of visitors to any specific event.

5.2 Environmental and Waterway Zones

Unlike the rural zones, environmental and waterway zones have a range of limitations and sensitivities that require greater discretion in the application of tourist and visitor accommodation, services and facilities and as such the following recommendations have been made:

- Generally, within the E2 Environmental Protection and E3 Environmental Management zones, only eco-tourist facilities, research facilities and the like may be suitable outside of bed and breakfast accommodation within any existing dwelling.
- Prohibit caravan parks within environmental zones and consider permitting camping grounds – with amenities or without as primitive camping sites – only with consent and in accordance with existing legislation. Provide development control plan objectives and controls for any additional, locally specific matters and specific limitations that ensure the camping activities are 'ancillary' to the primary environmental protection and management purposes of the development site and compatible with surrounding properties. These controls may include minimum standards for access, parking, hours of operation, limits to events per year, the size of facilities and number of visitors to any specific event.
- To enable low-impact tourism activities, such as guided bushwalks, mountain biking and the like, *recreation facilities (outdoor)* or a similar defined activities may be permitted with consent, in conjunction with a merit assessment clause that identifies key assessment criteria to minimise environmental impacts during construction and operation of the activity. It is noted that at this time another more suitable definition does not exist within the Standard Instrument LEP and Council is encouraged to continue to advocate to the State for additional and appropriate land use definitions.

Additional development control plan objectives and controls, are to be developed to ensure there is a common understanding of how these activities are defined and can be operated in a manner that is 'ancillary' to the primary environmental protection and management purposes of the development site and compatible with surrounding properties. These controls may include minimum standards for access, parking, hours of operation, limits to events per year, the size of facilities and number of visitors to any specific event.

- Many water-based recreational activities do not require consent; however, the land-based components do. In this regard, the reserves and foreshores that provide access to our waterways may be zoned recreation, environmental or IN4 Working Waterfront. Within these zones, most infrastructure and facilities that enable active tourism and recreation on our waters are under the care control and management of Council and the Crown. In these areas, it is the value-add land uses and activities including but not limited to cafes, boat hire and markets that should be permitted with consent to add activity and diversity in these iconic locations.
- Council planning instruments must ensure increased public access to natural areas and cultural landscapes are balanced with any biodiversity conservation and cultural significance of the site and within the location. Particularly where allowing wildlife encounters and cultural tours may assist in the long-term promotion and protection of cultural sites and places, critical environments, threatened and 'iconic' species.

6 References

Australian Government Department of Environment and Energy, (n.d), *National Landscapes* (webpage). Available: <http://www.environment.gov.au/topics/national-parks/national-landscapes-0>

Australian Government Department of Resources, Energy and Tourism, (2011), *Tourism 2020*. Available: <http://www.tourism.australia.com/content/dam/assets/document/1/6/w/u/3/2002107.pdf>

Australian Government Trade and Investment Commission, (2019), *Tourism Employment Plans* (webpage). Available: <https://www.austrade.gov.au/Australian/Tourism/Policy-and-Strategy/Labour-and-Skills/tourism-employment-plans>

Australian Regional Tourism Network & Australian Government Department of Resources, Energy and Tourism, (n.d), *The Guide to Best Practice Destination Management*. Available: https://www.austrade.gov.au/ArticleDocuments/5499/DM_Guide.pdf.aspx

Bulahdelah Chamber of Commerce, (2008), *Bulahdelah Community Strategic Plan*. Available: <https://www.midcoast.nsw.gov.au/files/assets/public/document-resources/council/plans-amp-publications/com-strategic-plans/bulahdelah-community-strategic-plan.pdf>

Coolongolook and Wootton Action Group, (2017), *Coolongolook, Wang Wauk and Wallingat Rivers Catchment Communities Community Strategic Plan*. Available: <https://www.midcoast.nsw.gov.au/files/assets/public/document-resources/council-meetings/agenda-and-minutes/2018/04/ordinary-meeting/item-8c-local-community-planning-wootton-community-plan-2017-2021.pdf>

Destination North Coast NSW, (2018), *North Coast Destination Management Plan 2018 to 2021*. Available: <https://dncnsw.com/wp-content/uploads/2018/07/DNC-Destination-Management-Plan.pdf>

Destination NSW, (2019), *State-wide Destination Management Plan*. Available: <https://www.destinationnsw.com.au/wp-content/uploads/2019/02/nsw-statewide-destination-management-plan.pdf?x15361>

Destination NSW, (2016), *Destination Networks: Driving Growth of the Visitor Economy in Regional NSW*. Available: <http://www.destinationnsw.com.au/wp-content/uploads/2016/07/Destination-Networks-29-June-2017.pdf?x15361>

Destination NSW, (2014), *Destination Management Planning Factsheet*. Available: <https://www.destinationnsw.com.au/wp-content/uploads/2014/03/Destination-Management-Planning-factsheet.pdf?x15361>

MidCoast Council, (2018), *MidCoast 2030: Shared Vision, Shared Responsibility Community Strategic Plan*. Available: <https://www.midcoast.nsw.gov.au/files/assets/public/document-resources/council/plans-amp-publications/midcoast-2030-shared-vision-shared-responsibility.pdf>

MidCoast Council, (2017), *MidCoast Destination Management Plan*. Available: <https://www.midcoast.nsw.gov.au/Council/Works-and-Projects/Council-Projects/Tourism-Destination-Management-Plan>

MidCoast Council, Cessnock City Council, Dungog Shire Council, Maitland City Council and Port Stephens Council, (2018), *Motorcycling the Hunter*. Available:

https://www.midcoast.nsw.gov.au/files/assets/public/document-resources/road-safety/motorcyclingthehunter_a5booklet_2018_digital.pdf

Nabiac Village Futures Group, (2015), *Community Strategic Plan 2016 – 2021*. Available:

<https://nabiac.com/wp-content/uploads/2018/04/Nabiac-Strategic-Plan-2016-2021.pdf>

NSW Department of Industry, (2018), *Visitor Economy Industry Action Plan 2030*. Available:

https://www.industry.nsw.gov.au/data/assets/pdf_file/0003/172092/Visitor-Economy-Industry-Action-Plan-2030.pdf

NSW Department of Planning and Environment, (2019), *Local Character and Place Guideline*. Available: <https://www.planning.nsw.gov.au/-/media/Files/DPE/Guidelines/Local-character-and-place-guideline-2019-05-02.pdf>

NSW Department of Planning and Environment, (2016), *Hunter Regional Plan*. Available:

<https://www.planning.nsw.gov.au/~/-/media/Files/DPE/Plans-and-policies/hunter-regional-plan-2036-2016-10-18.ashx>

NSW Department of Planning and Environment, (2011), *Preparing LEPs Using the Standard Instrument: Definitions*. Available: <https://www.planning.nsw.gov.au/-/media/Files/DPE/Practice-notes/preparing-leps-using-the-standard-instrument-definitions-2011-03-10.pdf?la=en>

NSW Department of Planning and Environment, (2011), *Preparing LEPs Using the Standard Instrument: Definitions*. Available: <https://www.planning.nsw.gov.au/-/media/Files/DPE/Practice-notes/preparing-leps-using-the-standard-instrument-definitions-2011-03-10.pdf?la=en>

NSW Department of Planning and Environment, (2009), *Providing for Tourism in Standard Instrument Local Environmental Plans*. Available: <https://www.planning.nsw.gov.au/-/media/Files/DPE/Practice-notes/providing-for-tourism-in-standard-instrument-local-environmental-plans-20091202.pdf?la=en>

NSW Department of Premier and Cabinet, (2011), *NSW 2021*. Available:

https://www.ipc.nsw.gov.au/sites/default/files/file_manager/NSW2021_WEBVERSION.pdf

NSW Office of Environment and Heritage (OEH), (2014), *Code of Practice for Horse Riding in Parks*. Available:

<https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Policy-and-law/horse-riding-in-parks-code-of-practice-140324.pdf>

Stroud Progress Association, (2004), *Stroud and District Strategic Action Plan*. Available:

<https://www.midcoast.nsw.gov.au/files/assets/public/document-resources/council/plans-amp-publications/com-strategic-plans/stroud-community-plan-2004.pdf>

Transport for NSW, (2018), *Tourism and Transport Plan*. Available:

<https://future.transport.nsw.gov.au/sites/default/files/media/documents/2019/Tourism%20and%20Transport%20Plan.pdf>

Wootton Community Network, (2017), *Wootton Community Strategic Plan 2017-2021*. Available:

https://www.wootton.org.au/documents/wootton_strategic_plan_2017.pdf



March 2021

Proposals for agritourism and agriculture development

The NSW Government is proposing reforms to the planning system to streamline approval of agritourism and small-scale agricultural development.

General

What is being proposed?

The NSW Government is proposing amendments to the NSW planning system to streamline the approval of agritourism development and small-scale agricultural development. An 'explanation of intended effect' (EIE) prepared by the department details the proposed changes.

The changes include:

- amending the existing definition for farm stay accommodation in the *Standard Instrument (Local Environmental Plans) Order 2006* (Standard Instrument) to support more farm stays
- introducing two new land use terms in the Standard Instrument for farm gate activities and farm events to enable these types of development to be established
- introducing new optional clauses for farm stay accommodation and farm gate activities that councils can choose to adopt in their local plans for development applications
- providing fast track exempt and complying development approval pathways for agritourism activities where certain development standards are met
- allowing the reconstruction of farm buildings and other structures as exempt development following natural disaster, where constructed to the same size, location and contemporary building standards
- allowing the establishment of small-scale processing plants as complying development for meat, dairy and honey and other agricultural produce where certain development standards are met
- updating development standards for poultry farms and pig farms to align separation distances with recommended biosecurity standards
- clarifying terminology and approval pathways used for farm dams
- updating controls that allow dwellings on rural lots as complying development to ensure enough separation from adjacent primary production enterprises
- updating and rationalising existing controls for stock containment lots to reflect current practice and ensure stock containment areas used temporarily, such as during drought, do not impact negatively on surrounding uses.
- providing an exempt development pathway for recreational beekeeping to improve certainty.

These changes are intended to reduce red tape and make it easier for farmers to get planning approval while managing environmental impacts.

What is exempt and complying development?

Exempt development is minor, low-impact development that can be undertaken without the need for planning or building approval, if the work complies with specified development standards.

Complying development is a combined planning and construction approval for straightforward development that can be determined through a fast-track assessment by a local council or a registered certifier. Complying development must also meet specified development standards.

What are the advantages of exempt and complying development?

There are several advantages for landowners in using exempt and complying development, including:

- consistent requirements are applied across NSW under exempt and complying development.
- building work or an activity can start quicker. For exempt development, if all development standards are met, you do not need to obtain a planning or building approval. For complying development, if all development standards are met, a complying development certificate can be issued by the local council or a registered certifier in as little as 20 days.
- If all development standards are met for exempt development, the development can proceed. If all development standards are met for complying development, the council or certifier must issue a complying development certificate.

For exempt and complying development, other than the development standards proposed in the EIE, is there anything else I would need to comply with?

In addition to the proposed development standards, the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* has other requirements that you must meet. For example, to carry out complying development, the land use must be permissible in the zone. For both complying and exempt development, certain sensitive land is excluded. Building works must also be constructed in accordance with the National Construction Code. You can read more about exempt and complying development at planningportal.nsw.gov.au

There are also requirements under other legislation you may need to meet that are not related to the planning rules. For example, to serve food at a farm event you may have obligations under the *NSW Food Act 2003*.

Proposed changes for agritourism development

Why are these changes being proposed? Aren't these uses already occurring?

Research has shown there are several challenges facing farmers who want to set up an agritourism business. These challenges include the complexity and cost of obtaining planning approvals and variations in how the planning system is applied across regional NSW. In addition, existing land use terms are not always appropriate, especially for low-scale, low-impact activities.

The proposed changes would cater for small-scale agritourism uses, allowing landowners to start an agritourism business that has minimal impact without the time and expense of lodging a development application. If landowners want to expand these businesses in the future, beyond

Frequently asked questions

what is permitted as exempt or complying development, the expansion would be subject to a detailed assessment as part of a development application.

As well as benefiting individual landowners, the reforms would help regional economies recover from drought, bushfires and the ongoing impact of COVID-19, and improve their resilience.

The reforms also deliver on several directions and actions in regional plans that sought to foster agritourism and enable opportunities for appropriate tourism development and associated land uses in local environmental plans.

Why are there so many development standards proposed for each agritourism activity?

As exempt and complying developments do not have the same assessment process as development applications, it is important to ensure that only development that is minor and low impact can use these development pathways.

The proposed development standards are intended to mitigate undesired impacts by limiting the land on which the activities can occur and the scale of the use, as well as managing impacts such as noise and potential disruption to neighbouring land uses.

Would I have to meet all the development standards for my proposal?

Yes. Your proposal would have to meet all the development standards for either exempt or complying development to use these approval pathways.

If your proposal does not meet all development standards, you could lodge a development application that council will assess on its merits.

Before lodging a development application, you should discuss your proposal with the council to ensure you understand what is required.

I have a hobby farm. Would these changes apply to me?

No. The new land use terms would only apply where the existing main use of the land is the production of agricultural/primary production goods for commercial purposes. The proposed changes are intended to make it easier for commercial producers to diversify their income stream, showcase their produce and allow people to connect with the source of their food and fibre. This is especially important during times when farming activities may not be possible, such as due to drought.

Could I do multiple agritourism developments on my property under these proposals?

Yes. You could have multiple developments occurring on your property at the same time if each of those developments has the necessary planning approval in place (or in the case of exempt development, meets all the required development standards). The new uses are intended to complement one another.

For example, you could have a small number of people staying at your property as farm stay accommodation and host occasional small functions as farm events.

Farm stay accommodation

Why are changes being proposed to the existing definition of farm stay accommodation?

Several changes are proposed to the existing definition to give more flexibility to farmers. These are to:

- expand the definition to include camping. Currently, even a small number of tents requires approval as a camping ground. This is unnecessarily restrictive as a small number of people camping is a low-impact activity.
- recognise that farming activities may fluctuate seasonally and to ensure agriculture continues to be the principal use of the land. The existing requirement to demonstrate that the farm stay accommodation is a 'secondary business' has required councils to consider matters (such as yearly turnover) that are not typically planning considerations and do not recognise that farming can be seasonal, especially in periods of drought.

Would the proposals allow me to build accommodation on my farm larger than the limits proposed in the EIE?

If you want to build accommodation on your property larger than the limits proposed in the EIE, you may need to seek approval for a different form of tourist and visitor accommodation, such as hotel or motel accommodation. This is because farm stay accommodation is intended to be only limited scale and low impact.

You would need to ensure the type of accommodation you want to build is permissible on your land and lodge a development application with the local council.

If you are considering a more intense form of accommodation than a farm stay, you should contact your local council.

How many tents could I put up on my property?

The proposal does not limit the number of tents that could be put on a property under any of the proposed development pathways. Instead, the changes seek to limit the number of people to a maximum of 20 at any one time.

This would provide some flexibility in the way a camp site can be set up, while ensuring the use remains low impact.

Farm gate activities

What kind of activities are farm gate activities? Would other activities not listed in the EIE be included?

Farm gate activities are low-impact activities that provide opportunities for landowners to showcase the agricultural produce on the land. The new definition would specifically include retail sales, a small restaurant or café, or tastings and workshops as farm gate activities, although this list is not intended to be exclusive. Other activities that meet the broader definition would also be permitted.

I would like to open a café on my property. Are there restrictions on the food that could be served?

The intention of the proposed definition for ‘farm gate activities’ is to provide producers with the opportunity to showcase food grown or produced on the land or in the surrounding area. This means any café or restaurant must be small in scale and predominantly serve food produced on site or on nearby farms.

Larger cafés or restaurants that serve a wider variety of food products are a different land use that must be permitted separately on the land and would require a development application.

Farm events

Would the proposed amendments allow me to host a wedding on my property?

Yes. The new land use term ‘farm event’ would permit weddings to be hosted on a property. It is proposed to permit functions (including weddings) of up to 50 people 10 times a year, or up to 30 people 52 times a year as exempt development as long as all the development standards are met.

A complying development pathway is proposed to allow some building works to facilitate these events.

Larger or more frequent weddings (or events that do not meet the development standards) would require a development application.

I want to be able to host functions for more than 50 people. Would the changes permit this?

Functions of more than 50 people would not be permitted under the proposals as exempt or complying development. If you wish to host functions for larger numbers of people, you would need to obtain development consent from your local council.

Proposed changes for agricultural development

Why are small-scale processing plants going to be permitted through a fast-track complying development pathway?

The department is considering ways to make it easier for farmers to undertake low-impact agricultural developments. Small-scale processing plants for meat, honey or dairy are proposed to be permitted as complying development to make it quicker and easier for farmers to obtain approvals for these types of developments. Development standards will ensure processing plants are small-scale and in the right locations so that neighbours and the environment are not impacted.

Why is the rebuilding of farm infrastructure going to be allowed as exempt development and not need any approval?

We want to help farmers rebuild after natural disasters such as the 2019-2020 bushfires. Allowing farm infrastructure such as farm buildings and grain bunkers to be rebuilt without approval will make it easier for farmers to recover. Farmers will need to comply with existing exempt development standards for these buildings, except those that would prevent the buildings from being rebuilt in the same location as exempt development, such as setbacks or height standards. The reconstructed building must have the same height and footprint as the previous building.

Why is the department considering increasing the setbacks required for rural dwellings from intensive agricultural developments?

Intensive agricultural developments such as pig farms, feedlots and poultry farms can have significant impacts on neighbouring properties, such as odour and noise. Increasing setbacks will prevent new houses being built close to these developments without proper consideration of the potential land-use conflict through a development application. The changes will only apply to new rural dwellings permitted as complying development.

Why are the provisions for temporary stock containment areas being updated?

Stakeholders have suggested that the provisions for stock containment areas could be simplified to make them easier to use. Some containment areas can have a negative impact on nearby areas because of their location due to runoff into waterways. The proposed changes will place restrictions on where stock containment areas can be located to minimise any impacts on the environment or neighbouring properties.

Why is the department updating provisions for farm dams?

Farm dams are essential to provide water for stock, fire protection and irrigation. We are considering ways to simplify the planning controls for farm dams and make them consistent across the state.

How are the provisions for small-scale poultry farms and pig farms being updated to safeguard biosecurity?

Currently, small-scale poultry farms and pig farms can be developed without consent provided they are a significant distance from other poultry and pig farms and meet other criteria. We are proposing to increase this separation distance to respond to concerns from stakeholders that the distance required between farms is too small and does not meet best-practice standards for biosecurity. Farms that are proposed to be located closer than these distances must seek approval by lodging a development application.

Why is the department introducing planning controls for recreational beekeeping?

The department is introducing planning provisions for recreational beekeeping to clarify that the activity does not require planning approval if done according to certain standards. Commercial beekeeping is already defined as a land-use in local environmental plans and is a type of extensive agriculture, but there has been confusion regarding whether recreational beekeeping requires planning approval.

Proposed rollout of the changes

Would I be able to use the exempt and complying development pathways straight away? What happens from here?

At this stage, we are seeking feedback on the proposals. Based on the feedback received, the details of the proposed changes may be amended.

The exempt and complying development pathways will be available once the new provisions commence.

Until that time, the existing requirements continue to apply.

Making a submission

I have concerns with some of the proposed standards for exempt and complying development. What should I do?

The purpose of exhibiting the EIE is to obtain feedback from the community and other stakeholders about the proposals. We will consider this feedback in finalising the proposals. If you support the proposals or have concerns, we also welcome your feedback.

You can provide feedback by:

- making a submission in writing, and/or
- completing the surveys, and/or
- providing general comments on an 'ideas wall'.

To submit your feedback, visit: planning.nsw.gov.au/agriculture-changes

I don't understand what is being proposed. Who can I contact?

If you have questions about the proposals, you can:

Email: information@planning.nsw.gov.au

Website: [Contact us via our online form](#)

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EXPLANATION OF INTENDED EFFECT

Agritourism and small-scale agriculture development

Proposed amendments to support farm businesses and regional economies

March 2021



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About this explanation of intended effect

This explanation of intended effect (EIE) has been prepared for the purposes of section 3.30 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

It is presented in four parts:

- Part 1 – Executive summary
- Part 2 – Context
- Part 3 – Proposed amendments
- Part 4 – Have your say



Part 1 – Executive summary

1.1 This document

This explanation of intended effect (EIE) proposes amendments to the NSW planning system to better enable 'agritourism' and small-scale agricultural development to be approved. It also seeks to respond to natural disasters such as droughts and bushfires, and to simplify planning approvals for development or activities that have no or low environmental impact.

This document outlines the intended effect of proposed amendments to:

- the Standard Instrument (Local Environmental Plans) Order 2006 (**Standard Instrument Order**),
- the State Environmental Planning Policy (Primary Production and Rural Development) 2019 (**PP PP**), and
- the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (**Codes PP**).

1.2 Background

In recent years, NSW farmers and farming communities have faced many challenges including prolonged drought, land fragmentation and declining terms of trade. This year alone, farming communities have had to deal with unprecedented bushfires and economic impacts arising from COVID-19 including travel and trade restrictions, cancellation of regional events, and temporary closure of local businesses.

The NSW Government is committed to supporting the recovery and resilience of our regional communities and farming by growing emerging industries that are supplementary to, or based on, agriculture. One such industry is agritourism, which will help to strengthen rural communities as travel restrictions ease across NSW.

Agritourism is a tourism-related experience or product that connects agricultural products, people or places with visitors on a farm or rural land for enjoyment, education, or to participate in activities and events. Agritourism activities enable farmers to diversify their income from farming businesses while maintaining primary production on the land as the principal use.

The NSW Government is seeking comment on proposals recommended by stakeholders to:

- broaden the types of agritourism activities that can be undertaken and provide approval pathways tailored to the scale and types of activities,
- support farmers during times of hardship or following natural disaster events,
- reduce land use conflict by providing clearer rules and better managing environmental and social impacts, and
- clarify current planning controls and expand approval pathways for certain agricultural activities.

The proposed amendments are underpinned by the principle of no or low environmental impact.

1.3 What is proposed

Informed by the NSW Government's Making Business Easier Program and a wider agritourism project led by the NSW Small Business Commission and Service NSW, the following amendments are proposed to the NSW planning system to facilitate agritourism:

- **farm stay accommodation** – to support more farm stay accommodation amendments are proposed to the existing definition of 'farm stay accommodation'
- **farm events** – to remove existing barriers and support farm events amendments are proposed to introduce a new definition for 'farm events'
- **farm gate activities** – to enable farm gate businesses to be established amendments are proposed to introduce a new definition for 'farm gate activities'

Fast track approval pathways, known as exempt and complying development, will also be established for these types of agritourism.

Comment is also sought on the following proposals to facilitate or improve approval pathways for low-impact agricultural activities:

- **small-scale processing plants** – allow establishment of these plants as complying development for meat, dairy and honey where certain development standards are met
- **rebuilding of farm infrastructure** – allow reconstruction of farm buildings and other structures as exempt development following natural disaster, where constructed to same size and contemporary building standards
- **stock containment areas** – update and rationalise existing planning controls to reflect current practice, and ensure stock containment areas used temporarily, such as during drought, do not impact negatively on surrounding uses
- **farm dams** – clarify terminology used in the planning system and provide a consistent approval process across the state
- **biosecurity for poultry farms and pig farms** – update development standards to align with separation distances required under biosecurity standards
- **setbacks for rural dwellings** - review controls that allow dwellings on rural lots as complying development to ensure there is sufficient separation from adjacent primary production enterprises
- **recreational beekeeping** – providing an exempt development pathway for recreational beekeeping to improve certainty.



Part 2 – Context

2.1 Background

With changes in markets, diminishing wholesale returns from traditional agricultural production and the seasonal nature of many agricultural industries, some traditional farms can no longer remain viable by simply producing food or fibre for wholesale markets. The planning system seeks to protect agricultural land and secure it as a resource for food production for future generations. There is scope for the planning framework to better support farmers' ability to innovate and diversify from purely primary production to other forms of value adding or complementary agribusiness.

Agritourism involves visiting a farm or food related business for enjoyment and education or to participate in activities and events. Agritourism is a growing sector of both the Australian and NSW economies, worth more than \$2 billion in NSW in 2014–15¹ and is expected to be worth \$18.6 billion in Australia by 2030, up from \$10.8 billion in 2018.² In 2019, Australians took 4.7 million trips to a farmgate, winery, brewery or distillery in a regional destination.³

Farmers are increasingly seeking options to diversify their income stream or value-add to their core agricultural business to make it more resilient, profitable and attractive to a new generation of farmers. The current regulatory and land use planning framework for these options can be complicated, costly and challenging for farmers to navigate.

Certainty, confidence and consistency in the planning framework will support investment in agritourism. A robust and flexible land use planning framework can provide strategic direction and a streamlined and efficient process for facilitating land uses that supplement agricultural industries.

In addition to agritourism, the department has identified other changes that could be made to reduce red tape and make it easier to use for farmers, particularly those running small-scale operations.

The NSW Government is committed to supporting economic development and job creation for NSW farms through a range of initiatives including simplifying land use definitions and development approval processes.

The proposed changes outlined below recognise the significance of agricultural industries and seek to:

- support investment in farms seeking supplementary incomes through other uses on the land
- facilitate a simple and streamlined approach to gaining approval for uses supplementary to primary production
- support farmers during times of hardship and following disaster events
- reduce land use conflict.

¹ NSW Department of Primary Industries, *NSW Agribusiness Positioned for prosperity*, Deloitte Access Economics report for the NSW Department of Primary Industries, July 2019,

https://www.dpi.nsw.gov.au/_data/assets/pdf_file/0009/691191/Positioned-for-prosperity_final.pdf.

² CSIRO, *Growth opportunities for Australian food and agribusiness: Economic analysis and market sizing*, 2019, <https://www.csiro.au/en/Do-business/Futures/Reports/Ag-and-Food/Opportunities-for-Food-and-Agribusiness>.

³ Tourism Research Australia, *Wineries, Breweries, Distilleries, Farmgates*, Headline Stats for 2019.

2.2 Consultation and collaboration

2.2.1 Making Business Easier

The NSW Small Business Commission in collaboration with Service NSW has undertaken a program to help farmers diversify as part of the NSW Government's Making Business Easier program. Diversification is especially important in times of drought where land typically reserved for productive use is unable to generate enough income through its primary activities. It also supports the continued sustainability of agriculture in rural areas.

The department has worked with the commission to identify simplified pathways to establish low impact agritourism businesses on farms, including farm stay accommodation, farm tours, roadside stalls, farm events and retail on farms. This work aligns with the department's commitment to reduce red tape and make the planning system easy to use.

What is agritourism

'Agritourism' is a tourism-related experience or product that connects agricultural products, people or places with visitors on a farm or rural land for enjoyment, education, or to participate in activities and events.

Agritourism activities include direct shopfront outlets with produce tastings, regional markets, farm and winery tours, cooking classes, food and wine festivals, farm stays, restaurants sourcing local produce, self-picking experiences and farm gate sales. The term also covers farm-stay, camping and other on-farm accommodation, farm tours and activities, and events based on farms for their scenic quality, such as weddings.

More broadly, agritourism allows regional economies to showcase what's special about the region, its unique growing conditions and natural resources and provides a visitor draw card from which other regional tourism businesses and experiences can benefit.

Service NSW has conducted research that identified challenges in the current planning regime for aspirational agri-entrepreneurs.⁴ Many regional businesses have experienced difficulties in setting up agritourism businesses as:

- there is a lack of guidance to understand the planning approvals required
- it can be costly and time consuming to obtain approval
- some requirements have not kept up with contemporary practices
- some existing land use definitions and standards are inappropriate for the proposed use.

There is also variability in how the planning system is applied across NSW. This variation often relates to historical land use planning approaches and is not necessarily justified by regional differences or reflective of modern agricultural businesses.

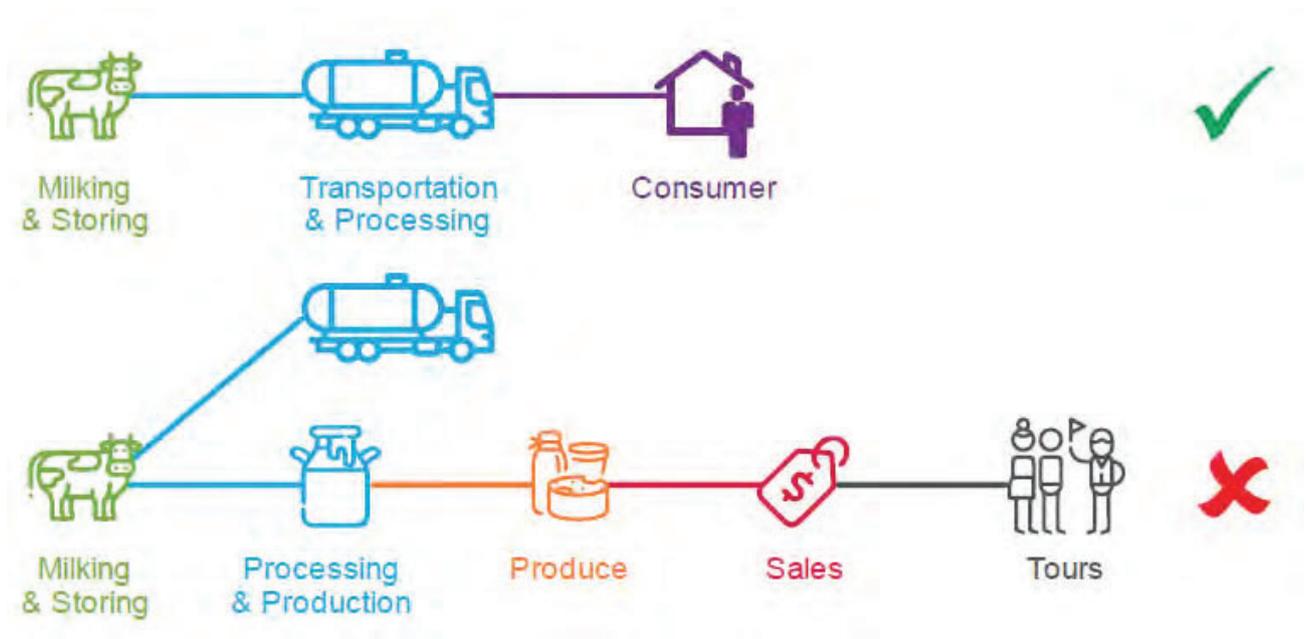
Figure 1 illustrates the variation between the permissibility of a traditional supply chain compared with agritourism activities, approval for which may vary for land with the same zoning in adjoining local government areas.

For example, two farmers can have cows, milk the cows and send the milk off site for processing, as intensive livestock agriculture is permitted. However, if they want to turn some milk into cheese, sell it on the property and provide tours, there may be different local environmental planning controls in place, which mean different rules apply to each farmer. On one side of the fence the farmer may be able to undertake the additional activities, but these may not be permitted on the other side because of local regulations. The activities could also be categorised, in planning terms,

⁴ Service NSW and NSW Small Business Commissioner, Starting and running an agritourism business: Farmers' experiences and needs, December 2019.

as covering a range of different uses including retail, artisan food and drink, light industry, eco-tourism, and information and education premises.

Figure - Traditional supply chain compared to agritourism activities



Part 3 – Proposed amendments

3.1 Overview

The department is proposing amendments to existing controls within the planning system to facilitate more agritourism and small-scale agricultural developments, while balancing the need for individual councils to respond to different environmental and development settings.

The proposed changes include:

1. **farm stay accommodation** amending the existing definition for farm stay accommodation in the Standard Instrument LEP Order
2. **new land use terms**: introducing two new land use terms for farm gate activities and farm events in the Standard Instrument LEP Order. Including the new term in the Standard Instrument LEP Order will automatically introduce the term into all Standard Instrument LEPs
3. **new optional clauses** - introducing new optional clauses for farm stay accommodation and farm gate activities that councils can apply where a development application is required
4. **new approval pathways** - providing exempt and complying development approval pathways in the Codes SEPP for agritourism activities where certain development standards are met
5. **small-scale processing plants** - allowing the establishment of small-scale processing plants as complying development for meat, dairy and honey where certain development standards are met
6. **rebuilding of farm infrastructure** - allowing the reconstruction of farm buildings and other structures as exempt development following natural disaster, where constructed to the same size and contemporary building standards including the Building Code of Australia and relevant Australian Standards.
7. **stock containment lots** - updating and rationalising existing controls for stock containment lots to reflect current practice, and ensuring stock containment areas used temporarily, such as during drought, do not impact negatively on surrounding uses.
8. **farm dams** - clarify terminology used in the planning system and provide a consistent approval process across the state
9. **biosecurity** - updating development standards for poultry farms and pig farms to align with separation distances required under biosecurity standards
10. **rural dwelling setbacks** - updating controls that allow dwellings on rural lots as complying development to ensure enough separation from adjacent primary production enterprises.
11. **recreational beekeeping** – providing exempt development pathway for recreational beekeeping to improve certainty

These changes will allow small-scale agritourism development and other small-scale agricultural activities to occur on land where the primary use of the land is agriculture. Recognising the seasonal nature of some agricultural uses of land and the variability of the Australian climate, the proposals will also allow agritourism activities on farms that are not currently producing for reasons outside the landowner's control such as prolonged drought. The changes are not intended to enable hobby farmers or other recreational farmers to establish agritourism businesses.

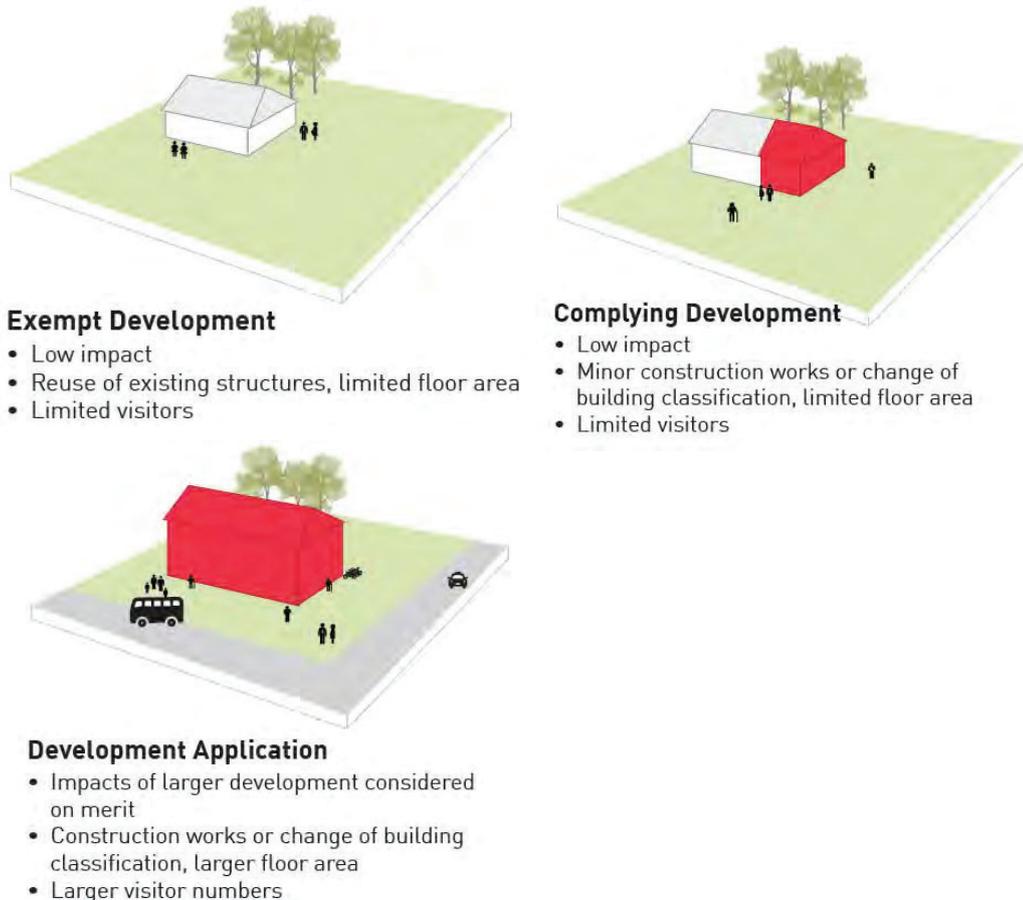
3.1.1 Simplified planning pathways

As illustrated in Figure 2 below, exempt development is minor, low impact development that can be undertaken without the need for planning or building approval if the work complies with specified development standards. Complying development is a combined planning and construction

approval for straightforward development that can be determined through a fast track assessment by a local council or a registered certifier. Complying development must also meet specified development standards.

Some councils have already simplified their planning requirements at a local level. The new exempt and complying development will allow more activities and development of low environmental impact on farms to gain planning approval quickly across NSW. Proposed new development standards will ensure development is at a scale appropriate for the agritourism or agricultural activity with minimal impacts on the surrounding land and amenity. Where these standards cannot be met, a landowner can lodge a development application with the local council.

Figure - Illustration of development approval pathways indicative only



3.2 Farm stay accommodation

A key aspect of an agritourism business is the provision of on farm accommodation. It is also critical to the tourism industry in some regions. On farm accommodation:

- encourages tourism to locations that cannot be reached by day trip from major centres
- encourages longer stays
- can utilise existing assets – such as farm workers' accommodation or large homesteads
- can provide ancillary income for a business – particularly where the business is seasonal or affected by weather conditions
- allows visitors to understand and engage with the area in greater depth than can be offered by day visits. It is often coupled with activities within the property
- facilitates recreation, entertainment and/or educational experiences to visitors
- supports increased awareness of agriculture and an improved connection between food

production and consumption.

Current definition Standard Instrument Order

'farm stay accommodation' means a building or place that provides temporary or short-term accommodation to paying guests on a working farm as a secondary business to primary production.

3.2.1 Proposed amendments

The changes propose to amend the existing definition of farm stay accommodation to recognise that farming activities may fluctuate seasonally (particularly during periods of drought) and to broaden the use to include camping.

To ensure farm stay accommodation remains a low impact use, an optional clause is proposed that councils can choose to adopt, with development standards councils can tailor to suit local conditions.

Exempt and complying development pathways have been developed to allow some building works, the change of use of existing buildings to farm stay accommodation and some camping opportunities without the need for a development application as long as the development standards are met.

Proposed definition

It is proposed to amend the existing definition of farm stay accommodation in the Standard Instrument LEP Order to:

- remove the references to working farm and secondary business as these requirements are restrictive for farms that operate on a seasonal basis and are not typically planning considerations
- replace these references with a requirement that the existing principal use of the land must be the production of agricultural/primary production goods for commercial purposes to ensure a farm stay supplements an existing commercial farming business
- enable farm stay accommodation on a farm that is currently not producing goods because of drought or similar events outside the landowner's control
- include accommodation in a building and camping (camping is currently not included under farm stay accommodation). It is proposed to amend the definitions of camping ground and caravan park to exclude tents, campervans and caravans erected on land for the purposes of farm stay accommodation. This is intended to facilitate small-scale camping being undertaken on a farm as exempt development (described below).

Amending the definitions in the Standard Instrument LEP Order will amend the definitions in all Standard Instrument LEPs.

Permissible

Farm stay accommodation will continue to be permissible with consent wherever councils currently identify it as permissible with consent in their LEPs.

Approval Pathways

The proposed approval pathways for farm stay accommodation are exempt development, complying development and lodging a development application. The approval pathway will depend on the type of development proposed, as shown in Table 1.

Table - Summary of proposed approval pathways for farm stay accommodation

Approval pathway	Proposed development	Approval required
Exempt development	<ul style="list-style-type: none"> Change of use of an existing dwelling or part of a dwelling Use of land for farm stay accommodation in tents, caravans or similar 	No planning or building approval required if specified development standards are met
Complying development	<ul style="list-style-type: none"> Change of use of an existing building or manufactured home Erection, alteration or addition to a building or manufactured home 	A fast-tracked approval can be issued by the local council or a registered certifier if specified development standards are met
Development application	<ul style="list-style-type: none"> Any proposal that does not satisfy the requirements for exempt and complying development 	The local council will undertake a merit assessment of the proposal and issue a development consent if approved

Further details about these proposed approval pathways and the proposed development standards for each pathway are explained below.

Exempt development

Change of use of an existing dwelling or part of a dwelling

It is proposed to allow the change of use of an existing dwelling or part of a dwelling (including rural workers dwelling and secondary dwellings) on rural zoned land as exempt development for the purpose of farm stay accommodation where it has been lawfully constructed and introduce the following development standards:

Maximum guests

- allow up to two persons aged over 12 per bedroom

Waste management

- waste generated must be managed on the site and then disposed of at a waste management facility including the recycling of all recyclables
- putrescible and organic waste may only be disposed of on-site if disposed in a managed composting system where odours and other pollutants are controlled and or managed.

Use of land for farm stay accommodation

It is proposed to allow the use of land for farm stay accommodation as exempt development where visitors reside in tents, caravans, campervans or other similar portable and light weight temporary shelters on rural zoned land and introduce the following development standards:

Operational requirements

- the use must be permissible with consent under council's local environmental plan
- allow up to 20 persons in any tents, caravans, campervans or other similar portable and light weight temporary shelters at any one time on the landholding for up to 14 days
- unoccupied caravans, campervans and tents are not to remain on the land after 24 hours

Location and site

- a tent must not be installed closer than 6 metres to any building, caravan, annexe or campervan or closer than 3 metres to any other tent
- the development cannot occur on land that is significantly contaminated land within the meaning of the Contaminated Land Management Act 1997
- the development cannot occur on land that is bush fire prone land

Setbacks

- the minimum following setbacks from any adjoining established or proposed:
 - pig farm, feedlot or poultry farm – 1,000 metres
 - other intensive livestock agriculture – 500 metres
 - intensive plant agriculture, forestry, mines and extractive industries, railway lines and rural industries – 250 metres
 or 250 metres from the boundary with the other use, whichever is greater
- if any existing dwelling has a setback from the other use that is less than these setbacks, or is less than 250 metres from the boundary, the farm accommodation may have the same setback
- a setback of 100 metres from any waterway

Waste management

- waste generated must be managed on the site and then disposed of at a waste management facility including the recycling of all recyclables
- putrescible and organic waste may only be disposed of on-site if disposed in a managed composting system where odours and other pollutants are controlled and or managed
- if human waste storage devices are proposed, these devices must not be emptied on sites without reticulated sewerage.

Complying development**Change of use of an existing building or manufactured home**

It is proposed to enable a change of use of an existing building or manufactured home to farm stay accommodation on rural zoned land as complying development under the Codes SEPP. The following development standards are proposed:

Maximum number of buildings and site

- the current use must be a lawful use
- maximum one dwelling per 15 hectares, to a maximum of six dwellings on a landholding
- the new use must not be carried out at premises that are a moveable dwelling or associated structure (except for a manufactured home), temporary structure, or tent
- maximum floor area of the development must be 60 square metres

Use of fire prone land and flood control lots

- the development must comply with the flood control lots requirements in the Codes SEPP (clause 3D.7) if the building is on this type of land
- the development must not be a type that requires a bush fire safety authority under section 100B of the Rural Fires Act 1997 because it is on bushfire prone land.

Setbacks

- the minimum setbacks from any adjoining established or proposed:
 - pig farm, feedlot or poultry farm – 1,000 metres

- other intensive livestock agriculture – 500 metres
- intensive plant agriculture, forestry, mines and extractive industries, railway lines and rural industries – 250 metres

or 250 metres from the boundary with the other use, whichever is greater

- if an existing dwelling has a setback from another use that is less than these setbacks or is less than 250 metres from the boundary, the farm stay accommodation may have the same setback

services

- if water supply or sewerage services (or both) is to be provided by a water utility, the applicant must obtain written advice that specifies the works or other requirements to be completed from the relevant water utility

waste management

- waste generated must be managed on the site and then disposed of at a waste management facility including the recycling of all recyclables
- putrescible and organic waste may only be disposed of on-site if disposed in a managed composting system where odours and other pollutants are controlled and or managed.

Note: Farm stay accommodation is a type of 'tourist and visitor accommodation' under the SI LEP Order. Under the Rural Fires Act 1997, development for the purpose of tourist accommodation cannot be undertaken as complying development on bush fire prone land.

Erection, alteration or addition to a building or manufactured home

It is proposed to enable the **erection alteration or addition to a building or manufactured home** as complying development on rural zoned land to be used for farm stay accommodation. The following development standards are proposed:

erection location and site

- any structure constructed or converted for the purpose of farm stay accommodation cannot be used as a dwelling without consent
- the erection of a new building or manufactured home for farm stay accommodation must be within 300 metres of the existing dwelling
- maximum height of 6 metres
- for a new building or manufactured home, a maximum floor area that is the greater of the standard in the relevant LEP or 60 square metres
- maximum one dwelling per 15 hectares, to a maximum of six dwellings on a landholding
- the development cannot occur on land that is significantly contaminated land within the meaning of the Contaminated Land Management Act 1997

setbacks

- side setback of the existing dwelling on the land or 200 metres, whichever is less
- the minimum following setbacks from any adjoining established or proposed:
 - pig farm, feedlot or poultry farm – 1,000 metres
 - other intensive livestock agriculture – 500 metres
 - intensive plant agriculture, forestry, mines and extractive industries, railway lines and rural industries – 250 metres

or 250 metres from the boundary with the other use, whichever is greater

- if an existing dwelling has a setback from the other use that is less than these setbacks or is less than 250 metres from the boundary, the farm stay accommodation may have the same setback

services

- the development cannot occur on unsewered land to which State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 applies, if that development will result in an increase to the number of bedrooms on the site or in a site disturbance area of more than 250 square metres or in any other drinking water catchment identified in any other environmental planning instrument

waste management

- waste generated must be managed on the site and then disposed of at a waste management facility including the recycling of all recyclables
- putrescible and organic waste may only be disposed of on-site if disposed in a managed composting system where odours and other pollutants are controlled and or managed.

development application

Where a proposal for farm stay accommodation does not satisfy the requirements for exempt or complying development, a development application can be lodged with the local council. To appropriately consider the impact of farm stay accommodation where development consent is required, an optional clause is proposed that councils can choose to include in their LEPs which:

- includes objectives to:
 - allow for small scale tourism and commercial uses that complement the agricultural use of the land
 - balance the impacts of tourism and commercial uses on the environment, infrastructure and adjoining land uses
- provides the following requirements for farm stay accommodation:
 - allow the number of people accommodated in any buildings/manufactured homes to be three times the number of bedrooms permitted under clause 5.4(5) of the council's LEP, or the number the council specifies in its LEP
 - allow the number of persons in any tents, caravans, campervans or other similar portable and light weight temporary shelters on the landholding to be 20 at any one time for up to 14 days
 - require the maximum floor area of any new building to be 75 square metres or the number the council specifies in its LEP (which must be not more than 75 square metres).

It is also proposed to amend clause 2.6 of the Standard Instrument LEP Order to prevent the creation of a dwelling entitlement in relation to farm stay accommodation. This is intended to preclude the fragmentation of prime agricultural land.

3.2.2 Farm stay accommodation - consultation questions

1. Are the proposed setbacks to pig farms, other intensive livestock, forestry and mines for exempt and complying development appropriate?
2. Where a development application is required, should farm stay accommodation be permitted only on land that benefits from a dwelling entitlement?
3. For complying development, should there be a requirement that a new building or manufactured home for farm stay accommodation be within 300 metres (or some other distance) from the existing dwelling house to enable clustering together of sensitive land uses?

4. Should there be different development standards for farm stay accommodation based on land size or location (such as whether the land is inland or east of Great Dividing Range)? If yes, please provide your suggestions and reasons.



Photo courtesy of Smith and Tzannes Architecture and Urban Planning

3.3 Farm gate activities

Farm gate is a common term used where value is added to a farm's produce and there is an interaction with the farm by the purchaser of the goods. Farm gate activities may include appropriate infrastructure to enable on-farm dining or entertainment.

Farm gate activities are in keeping with the surrounding agricultural landscape, community and region. These activities can also protect farming from encroachment by non-agricultural or conflicting uses by strengthening the value of the agricultural activity itself.

Landholders are generally unable to process and sell retail products produced on a farm under existing planning requirements.

The proposed changes will make it easier for farmers to gain approval and establish businesses associated with their agricultural production activity. Farm gate activities vary significantly, from selling apple pie on a farm where the apples are grown on the property, to developing a cidery on a farm which uses ingredients predominantly grown in the surrounding area.

It is proposed to introduce a new land use term 'farm gate activities' into the Standard Instrument LEP Order to provide greater opportunities for landowners to showcase the agricultural produce from their land or the surrounding area through retail sales, a small restaurant or café, or tastings and workshops.

To ensure farm gate activities remain low intensity uses, an optional clause is proposed that councils can choose to adopt and tailor to suit local conditions.

Exempt and complying development pathways have also been developed to allow streamlined approval pathways for farm gate activities on certain land. This will allow some building works as complying development, changing the use of existing buildings to farm gate activities and erecting a roadside stall as exempt development.

3.3.1 Proposed amendments

Proposed definition

It is proposed to introduce a new land use term in the Standard Instrument LEP Order for farm gate activities which includes:

- a. the processing, packaging and sale of agricultural produce, or
- b. a restaurant or café, or
- c. facilities for the holding of tastings, workshops or providing information or education to visitors

for agricultural produce grown on the farm or predominantly grown in the surrounding area.

The proposed definition will make it clear that the principal use of the land must be the production of agricultural goods for commercial purposes. The proposed new term will also enable farm gate activities where the farm is currently not producing goods because of drought or similar events outside the landowner’s control.

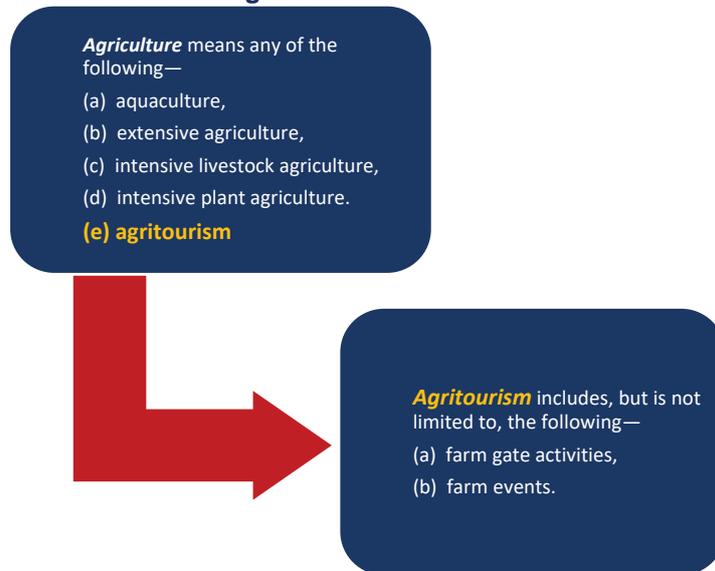
Permissibility

It is proposed to create a new land use term ‘agritourism’ in the Standard Instrument LEP Order and farm gate activities will be a subset of this new term. It is further proposed that ‘agritourism’ will be a subset of the existing land use term ‘agriculture’.

Additional proposals include existing terms in the Standards Instrument LEP Order, ‘roadside stall’ and ‘cellar door premises’, to become subsets of the new ‘farm gate activities’ term.

These changes mean that farm gate activities will initially be permissible in all LEPs wherever ‘agriculture’ is currently permissible. Councils can then permit farm gate activities in additional zones, such as zones in which existing land uses, e.g. roadside stalls, are currently permitted. Roadside stalls and cellar door premises will continue to be permissible where they are currently permitted, as well as being permitted wherever ‘agriculture’ is permissible.

Figure 1 - Proposed new land use term agritourism in the Standard Instrument LEP Order



Note This is indicative only and subject to change in response to feedback received during exhibition

Approval pathways

The proposed approval pathways for farm gate activities are exempt development, complying development and lodging a development application. The approval pathway will depend on the type of development proposed, as shown in Table 2.

Table - Summary of proposed approval pathways for farm gate activities

Approval pathway	Proposed development	Approval required
Exempt development	<ul style="list-style-type: none"> Use of land for farm gate activities Change of use to a roadside stall Erection of a roadside stall 	No planning or building approval required if specified development standards are met
Complying development	<ul style="list-style-type: none"> Change of use of an existing building Erection, alteration or addition to a building for a farm gate activity 	A fast-tracked approval can be issued by the local council or a registered certifier if specified development standards are met
Development application	<ul style="list-style-type: none"> Any proposal that does not satisfy the requirements for exempt and complying development 	The local council will undertake a merit assessment of the proposal and issue a development consent if approved

Further detail about these proposed approval pathways and the proposed development standards for each pathway are explained below.

Exempt development

Use of land for farm gate activities

It is proposed to allow the use of land for farm gate activities on rural zoned land as exempt development and introduce the following development standards:

Operational requirements

- the development must not involve a change of building use
- standard hours of operation to apply – 7.00 am to 7.00 pm Monday to Saturday and 9.00 am to 6.00 pm on a Sunday or a public holiday

Setbacks

- the minimum setbacks from any neighbouring established or proposed:
 - pig farm, feedlot or poultry farm – 1,000 metres
 - other intensive livestock agriculture – 500 metres
 - intensive plant agriculture, forestry, mines and extractive industries, railway lines and rural industries – 250 metres
 or 250 metres from the boundary with the other use, whichever is greater
- if any existing dwelling has a setback from the other use that is less than these setbacks, or is less than 250 metres from the boundary, the farm gate activity may have the same setback

Site location and access

- where development utilises an existing access point to a road, that access point is to have a clear sight distance of 250 metres to an approaching vehicle along the major road or comply with the sight distance requirements of Austroads Guide to Road Design Part 3, Table 5.5
- the development cannot be carried out on land in bush fire attack level-40 or the flame zone

Maximum guests

- maximum number of guests is 50 at any one time

waste management

- waste generated must be managed on the site and then disposed of at a waste management facility including the recycling of all recyclables
- putrescible and organic waste may only be disposed of on-site if disposed in a managed composting system where odours and other pollutants are controlled and or managed.

Change of use to a roadside stall

It is proposed to allow a change of use to a roadside stall on rural-zoned land as exempt development subject to the existing development standards in clause 2.20B of the Codes SEPP (roadside stalls are currently excluded from these provisions), which include preventing an increase in gross floor area of the building, compliance with existing conditions of development consent relating to hours of operation, noise, car parking, waste management, etc.

Erection of a roadside stall

It is proposed to allow the erection of a roadside stall on rural zoned land as exempt development and introduce the following development standards:

Building use location and site

- the use must be permissible with consent under council's local environmental plan
- maximum footprint 8 square metres
- the development must be located on private property
- the development must not be located adjacent to a classified road

Site access and parking

- development must use an existing access point to a road and this access is to have a clear sight distance of 250 metres to an approaching vehicle along the road or comply with the sight distance requirements of Austroads Part 3, Table 5.5.
- any parking accommodated on the verge:
 - must be at least 3 metres from any carriageway
 - the verge must be graded
- if parking is not provided on the verge, it must be provided within the boundary of the property and cars must be able to access and leave the property in a forward direction
- maximum one roadside stall per land holding

waste management

- waste generated must be managed on the site and then disposed of at a waste management facility including the recycling of all recyclables
- putrescible and organic waste may only be disposed of on-site if disposed in a managed composting system where odours and other pollutants are controlled and or managed.

Note: Approval from the roads authority is required for any new access driveway.

Complanning development**Change of use of an existing building**

It is proposed to allow the **change of use of an existing building** to a farm gate activity premises on rural zoned land as complying development and introduce the following development standards:

Site location and site

- the current use must be a lawful use
- the new use must not be carried out at premises that are a manufactured home, moveable dwelling or associated structure, temporary structure, tent
- maximum 200 square metre footprint for each building and 500 square metre footprint for all buildings used for farm gate activities and farm events

Maximum guests

- maximum number of guests is 50 at any one time

Setbacks

- the minimum following setbacks from any adjoining established or proposed:
 - pig farm, feedlot or poultry farm – 1,000 metres
 - other intensive livestock agriculture – 500 metres
 - intensive plant agriculture, forestry, mines and extractive industries, railway lines and rural industries – 250 metres
 or 250 metres from the boundary with the other use, whichever is greater
- if any existing dwelling has a setback from the other use that is less than these setbacks, or is less than 250 metres from the boundary, the farm gate activity may have the same setback
- setback at least 50 metres from any other fence or otherwise marked property boundary

Services

- if water supply or sewerage services (or both) is to be provided by a water utility, the applicant must obtain written advice that specifies the works or other requirements to be completed from the relevant water utility

Waste management

- waste generated must be managed on the site and then disposed of at a waste management facility including the recycling of all recyclables
- putrescible and organic waste may only be disposed of on-site if disposed in a managed composting system where odours and other pollutants are controlled and or managed.

Erection, alteration or addition to a building for a farm gate activity

It is proposed to allow the **erection alteration or addition to a building for a farm gate activity** on rural zoned land as complying development and introduce the following development standards:

Building location and size

- maximum 200 square metres for each building and 500 square metre footprint for all buildings used for farm gate activities and farm events provide that a road setback is not required for structures with a floor area less than 12 square metres and height up to 3.5 metres and which are for the sale of goods or produce (roadside stalls)
- maximum height:
 - 7 metres for landholding 4000 square meters to 10 hectares
 - 10 metres for landholding greater than 10 hectares
- the development cannot occur on land that is significantly contaminated land within the meaning of the *Contaminated Land Management Act*

Maximum guests

- maximum number of guests is 50 at any one time

Setbacks

- the minimum following setbacks from any neighbouring established or proposed:
 - pig farm, feedlot or poultry farm – 1,000 metres
 - other intensive livestock agriculture – 500 metres
 - intensive plant agriculture, forestry, mines and extractive industries, railway lines and rural industries – 250 metres

or 250 metres from the boundary with the other use, whichever is greater

- if any existing dwelling has a setback from the other use that is less than these setbacks, or is less than 250 metres from the boundary, the farm gate activity may have the same setback
- setback at least 50 metres from any other fence or otherwise marked property boundary

services

- the development cannot occur on unsewered land in the Sydney drinking water catchment if it will cause a site disturbance area of more than 250 square metres, or in any other drinking water catchment identified in an environmental planning instrument

waste management

- waste generated must be managed on the site and then disposed of at a waste management facility including the recycling of all recyclables
- putrescible and organic waste may only be disposed of on-site if disposed in a managed composting system where odours and other pollutants are controlled and or managed.

development application

Where a proposal for farm stay accommodation does not satisfy the requirements for exempt or complying development, a development application can be lodged with the local council. To appropriately consider the impact of farm gate activities where development consent is required, an optional clause that councils can adopt in their LEPs is proposed which will:

- introduce objectives:
 - to allow for small scale tourism and commercial uses that complement the agricultural use of the land
 - to balance the impacts of tourism and commercial uses on the environment, infrastructure and adjoining land uses
- introduce the following standards:
 - a. the gross floor area must not exceed 200 square metres or the number the council specifies in its LEP (which must be not less than 200 square metres)
 - b. the maximum number of people is not to exceed 50 at any one time or the number the council specifies in its LEP (which must be not less than 50)
 - c. despite a., if a structure is a roadside stall, the maximum floor area must not exceed 8 square metres or the number the council specifies in its LEP (which must be not less than 8 square metres).

3.3.2 Farm gate activities - consultation questions

5. How far do you think a roadside stall should be setback from the road?
6. What additional standards should be included for the exempt and complying development pathways for farm gate activities, if any?



Photo courtesy of Smith and Tzannes Architecture and Urban Planning

3.4 Farm events

The ability to hold rural events can allow farmers to diversify and value add to their agricultural business. In addition to the direct benefits to agricultural business, rural events can have a far-reaching supply chain benefit to the surrounding economy. For example, if a farm can host a wedding, beyond just the hiring of a venue on a farm, the event can result in hiring of local accommodation services, engagement of event services (such as photographers, stylists and transport), food and drink services, supporting services (gift shops, child minding) and facilities services (party hire, mobile toilet hire etc).

There are limited land use terms in the planning system that enable rural events. Applicants can rely on the definition in the Standard Instrument LEP Order for 'function centre' or use the temporary use of land clause in the Standard Instrument LEP Order (clause 2.8) to seek development consent. Including a definition for events on farms will provide greater certainty around where such development can take place.

It is proposed to introduce a new land use term 'farm events' into the Standard Instrument LEP Order to allow events, tours, functions and conferences on land used for agriculture.

The proposed definition will also enable farm events on a commercial farm that is currently not producing goods because of drought or similar events outside the landowner's control.

Exempt and complying development pathways have been developed to allow streamlined approvals for low scale, low impact farm events. The exempt development pathway will only be available for a limited number and scale of events per year and certain development standards must be met. Complying development pathways will allow some building works and a change of use of existing buildings for farm events.

3.4.1 Proposed amendments

Proposed definition

It is proposed to introduce a new land use term in the Standard Instrument LEP Order to permit events, tours, functions, conferences, fruit picking, horse riding and other similar experiences on land for which the principal use of the land is the production of agricultural goods for commercial purposes. The definition will also enable farm events on a commercial farm that is currently not producing goods because of drought or similar events outside the landowner's control.

Permissibility

It is proposed to create a new land use term 'agritourism' in the Standard Instrument LEP Order and farm events will be a subset of this new term. It is further proposed that 'agritourism' will be a subset of the existing land use term 'agriculture' – see diagram at section 3.3.1.2 Permissibility.

These changes mean that initially, farm events will be permissible in all local environmental plans wherever 'agriculture' is currently permissible. Councils can then permit farm events in any additional zones.

Approval pathways

The proposed approval pathways for farm events are exempt development, complying development and lodging a development application. The approval pathway will depend on the type of development proposed, as shown in Table 3.

Table 3 - Summary of proposed approval pathways for farm events

Approval pathway	Proposed development	Approval required
Exempt development	<ul style="list-style-type: none"> Use of rural zoned land for farm events 	No planning or building approval required if specified development standards are met
Complying development	<ul style="list-style-type: none"> Change of use of an existing building to farm event premises Erection, alteration or addition to a farm event building 	A fast-tracked approval can be issued by the local council or a registered certifier if specified development standards are met
Development application	<ul style="list-style-type: none"> Any proposal that does not satisfy the requirements for exempt and complying development 	The local council will undertake a merit assessment of the proposal and issue a development consent if approved

Further detail about these proposed approval pathways and the proposed development standards for each pathway are explained below.

Exempt development

Use of rural zoned land

It is proposed to allow the use of rural zoned land for a farm event that does not involve manufacturing food or drink as exempt development and introduce the following development standards:

Operational requirements

- the development must not involve a change of building use
- events must only take place during the following times:

- 7.30 am to 11.00 pm on Monday, Tuesday, Wednesday or Thursday
- 7.30 am to 12.00 am on Friday or Saturday
- 8.00 am to 8.00 pm on Sunday
- maximum number of guests and event days per year:
 - 52 event days per year and up to 30 guests per event, or
 - 10 event days per year and up to 50 guests per event
- the event holder is to notify neighbours of an event at least one week before holding the event

setbacks

- the minimum setbacks from any neighbouring established or proposed:
 - pig farm, feedlot or poultry farm – 1,000 metres
 - other intensive livestock agriculture – 500 metres
 - intensive plant agriculture, forestry, mines and extractive industries, railway lines and rural industries – 250 metres
 or 250 metres from the boundary with the other use, whichever is greater
- if any existing dwelling has a setback from the other use that is less than these setbacks, or is less than 250 metres from the boundary, the farm accommodation gate activity may have the same setback
- setback at least 50m from any other fence or otherwise marked property boundary
- events that have amplified music or voices, must be located at least 1,000 metres from the nearest existing dwelling house and any building which houses animals including stables, stock yards and poultry sheds, on an adjoining property

waste management

- waste generated must be managed on the site and then disposed of at a waste management facility including the recycling of all recyclables
- putrescible and organic waste may only be disposed of on-site if disposed in a managed composting system where odours and other pollutants are controlled and or managed.

complying development

Change of use of an existing building to farm event premises

It is proposed to allow a change of use of an existing building to farm event premises on rural zoned land as complying development and introduce the following development standards:

operational requirements

- the current use must be a lawful use
- the new use must not be carried out at premises that are a manufactured home, moveable dwelling or associated structure, temporary structure, tent
- events must only take place during the following times:
 - 7.30 am to 11.00 pm on Monday, Tuesday, Wednesday or Thursday
 - 7.30 am to 12.00 am on Friday or Saturday
 - 8.00 am to 8.00 pm on Sunday
- maximum number of guests and event days per year:
 - 52 event days per year and up to 30 guests per event, or
 - 10 event days per year and up to 50 guests per event

Site location and size

- maximum 200 square metres for each building and 500 square metre footprint for all buildings used for farm gate activities and farm events

Setbacks

- the minimum setbacks from any neighbouring established or proposed:
 - pig farm, feedlot or poultry farm – 1,000 metres
 - other intensive livestock agriculture – 500 metres
 - intensive plant agriculture, forestry, mines and extractive industries, railway lines and rural industries – 250 metres
 or 250 metres from the boundary with the other use, whichever is greater
- if any existing dwelling has a setback from the other use that is less than these setbacks, or is less than 250 metres from the boundary, the farm event may have the same setback
- setback at least 50 metres from any other fence or otherwise marked property boundary

Services

- if water supply or sewerage services (or both) is to be provided by a water utility, the applicant must obtain written advice that specifies the works or other requirements to be completed from the relevant water utility

Waste management

- waste generated must be managed on the site and then disposed of at a waste management facility including the recycling of all recyclables
- putrescible and organic waste may only be disposed of on-site if disposed in a managed composting system where odours and other pollutants are controlled and or managed

Erection, alteration or addition to a farm event building

It is proposed to allow the erection, alteration or addition to a building that is to be used for a farm event on rural zoned land as complying development and introduce the following development standards:

Operational requirements

- maximum number of guests and event days per year:
 - 52 event days per year and up to 30 guests per event, or
 - 10 event days per year and up to 50 guests per event
- events must only take place during the following times:
 - 7.30 am to 11.00 pm on Monday, Tuesday, Wednesday or Thursday
 - 7.30 am to 12.00 am on Friday or Saturday
 - 8.00 am to 8.00 pm on Sunday
- the event holder is to notify neighbours of an event at least one week before holding the event

Building location and size

- maximum footprint of 200 square metres for each building and 500 square metres for all buildings used for farm gate activities and farm events
- maximum height:
 - 7 metres for landholding 4000 square metres to 10 hectares
 - 10 metres for landholding greater than 10 hectares

- the development cannot occur on land that is significantly contaminated land within the meaning of the *Contaminated Land Management Act*

setbacks

- the minimum following setbacks from any neighbouring established or proposed:
 - pig farm, feedlot or poultry farm – 1,000 metres
 - other intensive livestock agriculture – 500 metres
 - intensive plant agriculture, forestry, mines and extractive industries, railway lines and rural industries – 250 metres

or 250 metres from the boundary with the other use, whichever is greater

- if any existing dwelling has a setback from the other use that is less than these setbacks, or is less than 250 metres from the boundary, the farm event may have the same setback
- setback at least 50 metres from any other fence or otherwise marked property boundary

services

- the development cannot occur on unsewered land in the Sydney water catchment if it will cause a site disturbance area of more than 250 square metres, or in any other drinking water catchment identified in an environmental planning instrument

waste management

- waste generated must be managed on the site and then disposed of at a waste management facility including the recycling of all recyclables
- putrescible and organic waste may only be disposed of on-site if disposed in a managed composting system where odours and other pollutants are controlled and or managed.

3.4.2 Farm events - consultation questions

7. The proposed maximum number of people and events per day for exempt and complying development are:

- a) 52 event days per year and up to 30 guests per event, or
- b) 10 event days per year and up to 50 guests per event

Are these appropriate?

8. What events, if any, do you think should be excluded from the definition of farm events?

9. Should changes be made to the planning system to facilitate destination weddings under a development application? If so, in which zones should destination weddings be permitted? Please provide reasons for your selection.

- a) RU1
- b) RU2
- c) RU4 zones
- d) Other zones (please specify)

10. Should the department prepare a model clause for destination weddings which councils can choose to adopt?

11. Is there any rural land or areas in which agritourism activities should not be permitted? If yes, why?



3.5 Additional proposed changes relating to agritourism

The following additional changes are proposed to apply existing standards to the agritourism activities and amend existing exempt development standards to better facilitate these activities.

3.5.1 Proposed amendments

us fire prone land Apply existing complying development standards in the Codes SEPP for bush fire prone land to buildings used for farm activities or farm events as complying development.

usiness identification signs Amend clause 2.83 exempt development provisions of the Codes SEPP to allow business identification signs for farm stay accommodation, farm gate activities and farm events, limited to 4 per landholding and one sign every 2 kilometres.

ree standing signs: Amend the Codes SEPP to allow the construction of business identification signs as exempt development that are displayed on a free-standing structure, fixed to the fence adjacent the entry gate or the entry gate. Introduce the following development standards:

- a) the development must not result in more than 3 business identification signs of this type per property
- b) the development must be associated with a farm gate activity use, farm stay accommodation, or farm events use on the land
- c) the development must not be more than 2 metres above ground level (existing)
- d) each sign must not have an area greater than 2 square metres
- e) the development must be constructed and installed in accordance with Australian Standards:
 - i. AS/NZS 1170.0:2002, Structural design actions, Part 0: General principles
 - ii. AS/NZS 1170.2:2011, Structural design actions, Part 2: Wind actions
- f) only one sign may be illuminated and if illuminated must:
 - i. not be animated, flashing or moving
 - ii. comply with AS 4282-1997 Control of the obtrusive effects of outdoor lighting
- g) if the hours of operation of the business identified on the sign have been approved, operate during those hours, or if the hours of operation of the business identified on the sign have not been approved, operate between 7.00 am and 10.00 pm on any day

- h) a sign on rural zoned land advertising a roadside stall may only be located on the same landholding as the roadside stall.

eranda s Amend clause 2.12 of the Codes SEPP to allow decks, patios, pergolas, terraces and verandahs on the front of buildings in rural zones as exempt development if they are setback 50 metres from the road. This will allow farm gate businesses to provide an area for tastings.



3.6 Small-scale processing plants

Amendments to the Codes SEPP are proposed to allow small-scale processing plants associated with agricultural produce industries that process meat, honey and dairy as complying development. The provisions would use the definitions of livestock processing industries and agricultural produce industries contained in the Standard Instrument LEP.

3.6.1 Proposed development standards

Small-scale processing plants would be complying development with the following development standards:

- maximum throughput per annum of:
 - 3 million litres for dairy
 - 4,000 carcasses for pork
 - 1,000 lamb carcasses
 - 100 beef carcasses
 - 4,000 carcasses for poultry
 - 1,000 carcasses for other animals such as deer, kangaroo
- not be used for the processing of skins or wool of animals, or as knackereries, tanneries, woolscours or rendering plants
- must be setback a minimum of:
 - 100 metres from a natural waterbody or wetland
 - 500 metres from the nearest existing dwelling house other than the house located on the property
 - 5 kilometres from a residential zone

- no more than one per property.
- hours of operation 6am to 7pm Monday to Saturday, 8am to 5pm Sunday
- must be a minimum of 500 metres from another existing or proposed poultry or pig production facility.

Note: There are provisions in the EP&A Regulation (Schedule 3) that classify livestock processing industries and agricultural produce industries as designated development by certain locational criteria. Designated development cannot be complying development.

3.6.2 Small scale processing plants - consultation questions

12. Should any other agricultural produce industries be complying development? What standards should apply?
13. Is a maximum throughput of 1,000 carcasses per annum for other animals such as deer or kangaroo appropriate?
14. Should any additional standards be included?
15. Should the locational criteria that classify livestock processing industries as designated development be reviewed for small-scale processing plants to determine whether these plants could be approved:
 - a) as complying development?
 - b) through the standard DA process?

3.7 Rebuilding of farm infrastructure

This year, farming communities were impacted by unprecedented bushfires. A range of amendments were made to planning controls in January and February 2020 to help people affected by the bushfires such as allowing certain activities without planning approval including temporary accommodation, temporary portable offices, temporary storage, and demolition and repair of damaged buildings.

To further assist in efficient recovery following future events, amendments to the Codes SEPP are proposed to allow farm buildings that have been damaged or destroyed by a natural disaster event to be rebuilt as exempt development, if built to a contemporary standard and in the same location. This will benefit farmers that are unable to use the existing exempt development provisions to rebuild farm buildings because of requirements such as minimum setbacks from boundaries.

3.7.1 Proposed development standards

Reconstruction of farm buildings is exempt development with the following development standards:

- The structure must have been destroyed or significantly damaged in a natural disaster.
- The structure must be of the same building class under the BCA.
- The structure must have been a lawful structure.
- The structure must be built to current BCA standards.
- The new structure is to be located on the same building footprint as the former structure.
- The height of the new structure must not be greater than the structure that was lost due to a natural disaster.
- The new structure must comply with standards identified under the following provisions except for provisions relating to height and footprint. If it is:
 - a farm building (other than stock holding yards, grain silos, and grain bunkers) it must comply with clause 2.32 of the Codes SEPP
 - a stock holding yard it must comply with clause 2.32B of the Codes SEPP

- a grain silo or grain bunker it must comply with clause 2.32D, 2.32E, 2.32F of the Codes SEPP.

3.7.2 Rebuilding of farm infrastructure - consultation questions

16. Will these provisions sufficiently enable the rebuilding of buildings lost to natural disasters in the same location of the same size and form?
17. Should any additional standards be included?



3.8 Stock containment areas

These proposed amendments relate to the construction of stock containment areas to temporarily contain livestock to assist during and immediately after natural disasters, and for routine animal husbandry purposes:

- amendments to implement locational requirements for all stock containment areas in response to impacts some containment areas have had on waterways and the oyster industry
- amendments to simplify clauses 18(2) and (3) of the Primary Production and Rural Development SEPP and update them to reflect current practice
- currently the provisions for stock containment areas and feedlots are spread across the Primary Production and Rural Development SEPP and Standard Instrument LEP. To reduce complexity, options to locate these controls in one place are being explored.

Allow minor permanent infrastructure to be developed without consent for stock containment areas (to contain livestock temporarily, not permanently).

3.8.1 Proposed development standards

Development for the purpose of a stock containment area, or other feeding or housing arrangements, for any or a combination of the following purposes:

- to manage stock during or immediately following a drought, flood, fire or similar emergency
- for temporary agistment or housing; or
- for weaning, dipping, tagging, backgrounding or similar husbandry purposes may be carried out without development consent if:

- a) development for the purpose of agriculture may be carried out with or without development consent on the land
- b) there is currently an agriculture land use lawfully occurring on the land
- c) it is not located in an environmentally sensitive area
- d) it is not located within 100 metres of a natural watercourse
- e) it is not located within 500 metres of a residential zone or an adjoining dwelling that is not associated with the development.

3.8.2 Stock containment areas - consultation questions

- 18. What type of permanent infrastructure should be permitted for stock containment areas?
- 19. What type of permanent infrastructure should not be permitted for stock containment areas?

3.9 Farm dams

Farm dams are minor development that is essential for agricultural purposes to provide water for stock, fire protection and irrigation. In areas of NSW (near the Murray River) small farm dams are permitted without consent while in other areas they are considered 'water storage facilities' that often need consent.

There is some inconsistency in terminology used around farm dams in the Standard Instrument LEP, the PPRD SEPP, and the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).

Stakeholders have suggested the various planning terms and approval pathways that apply across the state could be consolidated to simplify the planning system.

3.9.1 Proposed amendments

Clarify terminology used in the SI LEP, PPRD SEPP and EP&A Regulation 2000 and consider providing a consistent approval process.

3.9.2 Farm dams - consultation questions

- 20. How could we simplify planning provisions for farm dams?

3.10 Biosecurity for poultry farms and pig farms

Currently, the standards for biosecurity for poultry farms and pig farms in the Standard Instrument LEP (clause 5.18) and PPRD SEPP are not in line with industry standards such as the Best Practice Management for Meat Chicken Production in NSW produced by the NSW Poultry Meat Industry Committee in conjunction with the Department of Primary Industries and other government agencies.

Amendments are proposed to better address biosecurity for poultry farms and pig farms. Biosecurity risks for poultry are negligible up to 10,000 birds, so it is proposed to raise the provisions allowing poultry farms to be developed without consent from 1,000 to 10,000 birds, subject to locational restrictions.

3.10.1 Proposed amendments

Clause 5.18 of the Standard Instrument LEP will be amended so that development consent is not required for poultry farms with less than 10,000 birds but only if they are not within:

- 1,000 metres of other poultry farms, or
- 5,000 metres of poultry farms used for the breeding of poultry
- If it is a poultry farm used for the breeding of poultry – 5,000 metres of a poultry farm.

Development consent is not required for pig farms with fewer than 20 breeding sows, or fewer than 200 pigs (of which fewer than 20 may be breeding sows) but only if they are not within 3,000 metres of another pig farm.

Other locational restrictions in clause 5.18 will remain. The PPRD SEPP will be amended to align with these changes.

3.10.2 Biosecurity for poultry and pig farms - consultation questions

21. Do the proposed provisions adequately provide for biosecurity between poultry farms and pig farms?
22. Should any additional standards be included?

3.11 Rural dwelling setbacks from intensive livestock agriculture

Currently, the Codes SEPP requires a setback of 250m for rural dwellings from a boundary with adjoining land being used for any of the following:

- (i) forestry
- (ii) intensive livestock agriculture
- (iii) intensive plant agriculture
- (iv) mines and extractive industries
- (v) railway lines
- (vi) rural industries.

There are concerns that these setbacks may not be large enough to minimise impacts from intensive livestock agriculture on new dwellings.

3.11.1 Proposed amendments

In addition to the existing setbacks from boundaries of properties being used for intensive livestock agriculture, the department proposes that rural dwellings have a setback of:

- 1,000 metres from any existing or proposed pig farm, feedlot or poultry farm
- 500 metres from any existing or proposed other intensive livestock agriculture development

The greater separation distance will apply. If these setbacks cannot be complied with, a development application will be required.

These changes to setbacks seek to reduce potential land use conflict without significantly reducing the ability for rural landowners to develop new houses as complying development.

3.11.2 Rural dwelling setbacks from intensive agriculture - consultation questions

23. Should the setbacks for rural dwellings be increased from its current requirement to be 250 metres from the boundary (when carried out as complying development)?
24. From which point should the setbacks be measured?
 - a) From the proposed or existing intensive agricultural use
 - b) From the property boundary shared with land used for intensive agriculture
 - c) A combination of the above



3.12 Recreational Beekeeping

Recreational beekeeping has grown in popularity in recent years, including in urban and metropolitan areas. It can be an interesting and rewarding hobby with minor impacts if managed appropriately.

While commercial beekeeping is defined as a form of extensive agriculture in the Standard Instrument LEP, recreational beekeeping is not defined. This has led to some confusion regarding whether development approval is needed for the activity.

In NSW, beekeepers who own honey bees for more than 3 months during a 12 month period, are required to hold a biosecurity registration under the *Biosecurity Act 2015*. The biosecurity registration requires information on the location, contact person and number of hives on a property and ensures that the Department of Primary Industries can effectively manage any disease outbreaks.

The proposed amendments will clarify that recreational beekeeping is exempt development and does not need planning approval if it complies with certain standards. These standards are in line with the NSW Beekeeping Code of Practice and are designed to avoid inappropriate development and minimise impacts related to such development.

3.12.1 Proposed amendments

Amendments are proposed to the Codes SEPP to permit recreational beekeeping as exempt development if certain development standards are met. Where the development standards cannot be met a development application would be required.

The development:

- Must not be used for a commercial purpose.
- Must not consist of more than:
 - 2 hives for lots up to 300m²,
 - 4 hives for lots 300m² to 1000m²,
 - 8 hives for lots above 1000m²,
 - no limit for lots in a rural zone.
- Must not contain any hive within 1m of any lot boundary, or within 3m of any boundary adjoining a public reserve, childcare centre, health services facility, educational establishment or community facility.
- Must be located in a rural, residential, or environmental zone.

- If it is in a residential zone, be located in the rear yard.
- If it is located on bush fire prone land, not be within 5m of a dwelling.

Note: Beekeepers must also comply with the requirements of the *Biosecurity Act 2015* the Australian Honey Bee Industry Biosecurity Code of Practice and the Beekeeping Code of Practice for NSW.

3.12.2 Recreational Beekeeping – Consultation Questions

25. Are the proposed development standards appropriate and are any additional standards needed?

Part 4 – Have your say

This EIE outlines proposed changes to the NSW Planning System to better support farming businesses and rural and regional areas. The department welcomes your feedback during public exhibition.

Your feedback will help us better understand the views of the community, which will then inform the preparation of the proposed changes to the planning framework.

The department will publish all individual submissions and an assessment report on all submissions received, shortly after the exhibition period has ended.

To view the EIE and supporting documents, and to make a submission online, please follow the steps below:

www.planningportal.nsw.gov.au/exhibition

- 1) Read our privacy statement and decide whether to include your personal information in your submission.
- 2) Fill in the online submission form. Your submission can either be typed or uploaded as a PDF and should include:
 - a. the name of the proposal (Agritourism and small-scale agriculture development: Proposed amendments to support farm businesses and regional economies)
 - b. a brief statement on whether you support or object to the proposal
 - c. the reason why you support or object to the proposal.
- 3) Ensure you disclose reportable political donations. Anyone lodging submissions must declare reportable political donations (including donations of \$1,000 or more) made in the previous two years.
- 4) Agree to our online statement and lodge your submission.

You may also lodge your submission via post by sending it to:

Executive Director
Local Government and Economic Policy
Department of Planning, Industry and Environment
Locked Bag 5022, Parramatta NSW 2124

In your submission, you are encouraged to respond to the consultation questions at the end of each proposal. Alternatively, you can respond to these questions via a survey on the department's website www.planning.nsw.gov.au.

All submissions will be made public in line with our objective to promote an open and transparent planning system. If you do not want your name published, please state this clearly at the top of your submission.

all for e pressions of interest from local councils

During exhibition of the EIE, councils are asked to consider whether they wish to adopt the new optional clauses for farm stay accommodation and farm gate activities and identify the zones in which they wish to allow the new farm events and farm gate activities. Councils who wish to make these changes to their LEPS are invited to provide an expression of interest and nominate a suitable contact(s) to liaise with the department about implementation.

Following exhibition, the department will work with councils that have submitted an expression of interest to facilitate amendments to their LEPs through an amending State environmental planning policy, saving the time and resources required to progress individual planning proposals.

To find out more, please visit www.planning.nsw.gov.au.

4.1 Consultation Questions

4.1.1 Farm stay accommodation

1. Are the proposed setbacks to pig farms, other intensive livestock, forestry and mines for exempt and complying development appropriate?
2. Where a development application is required, should farm stay accommodation be permitted only on land that benefits from a dwelling entitlement?
3. For complying development, should there be a requirement that a new building or manufactured home for farm stay accommodation be within 300 metres (or some other distance) from the existing dwelling house to enable clustering together of sensitive land uses?
4. Should there be different development standards for farm stay accommodation based on land size or location (such as whether the land is inland or east of Great Dividing Range)? If yes, please provide your suggestions and reasons.

4.1.2 Farm gate activities

5. How far do you think a roadside stall should be setback from the road?
6. What additional standards should be included for the exempt and complying development pathways for farm gate activities, if any?

4.1.3 Farm events

7. The proposed maximum number of people and events per day for exempt and complying development are:
 - a) 52 event days per year and up to 30 guests per event, or
 - b) 10 event days per year and up to 50 guests per eventAre these appropriate?
8. What events, if any, do you think should be excluded from the definition of farm events?
9. Should changes be made to the planning system to facilitate destination weddings under a development application? If so, in which zones should destination weddings be permitted? Please provide reasons for your selection.
 - a) RU1
 - b) RU2
 - c) RU4 zones
 - d) Other zones (please specify)
10. Should the department prepare a model clause for destination weddings which councils can choose to adopt?
11. Is there any rural land or areas in which agritourism activities should not be permitted?

4.1.4 Small scale processing plants

12. Should any other agricultural produce industries be complying development? What standards should apply?
13. Is a maximum throughput of 1,000 carcasses per annum for other animals such as deer or kangaroo appropriate?
14. Should any additional standards be included?

15. Should the locational criteria that classify livestock processing industries as designated development be reviewed for small-scale processing plants to determine whether these plants could be approved:
 - a) as complying development?
 - b) through the standard DA process?

4.1.5 Rebuilding of farm infrastructure

16. Will these provisions sufficiently enable the rebuilding of buildings lost to natural disasters in the same location of the same size and form?
17. Should any additional standards be included?

4.1.6 Stock containment areas

18. What type of permanent infrastructure should be permitted for stock containment areas?
19. What type of permanent infrastructure should not be permitted for stock containment areas?

4.1.7 Farm dams

20. How could we simplify planning provisions for farm dams?

4.1.8 Biosecurity for poultry and pig farms

21. Do the proposed provisions adequately provide for biosecurity between poultry farms and pig farms?
22. Should any additional standards be included?

4.1.9 Rural dwelling setbacks from intensive agriculture

23. Should the setbacks for rural dwellings be increased from its current requirement to be 250 metres from the boundary (when done as complying development)?
24. From which point should the setbacks be measured?
 - a) From the proposed or existing intensive agricultural use
 - b) From the property boundary shared with land used for intensive agriculture
 - c) A combination of the above

4.1.10 Recreational Beekeeping

25. Are the proposed development standards appropriate and are any additional standards needed?